

DARDENNE



PRAIRIE

**CITY OF DARDENNE PRAIRIE
2032 HANLEY ROAD
DARDENNE PRAIRIE, MO 63368**

**BOARD OF ALDERMEN
WORK SESSION AGENDA
AUGUST 17, 2022
6:00 p.m.**

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ITEMS FOR DISCUSSION AND CONSIDERATION

1. Draft Zoning Ordinance Changes

STAFF COMMUNICATIONS

1. City Attorney
2. City Engineer
3. City Administrator
4. Aldermen
5. Mayor

CLOSED SESSION

Roll call vote to hold closed session pursuant to RSMo 610.021 section _____

Litigation and Privileged Communications (1)

Real Estate (2)

Personnel (3)

Labor (9)

Bid Specs (11)

Audit (17)

RETURN TO REGULAR MEETING AGENDA

ADJOURNMENT

BILL NO. 22-_____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI,
AMENDING VARIOUS PROVISIONS OF CHAPTER 405 OF THE
MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE,
MISSOURI; AND PROVIDING FOR CERTAIN CONDITIONAL USES IN
THE C-3, RETAIL COMMERCIAL DISTRICT.**

WHEREAS, the Planning and Zoning Commission of the City of Dardenne Prairie, Missouri (the "City"), did consider and recommend certain amendments to Subsection (C) of Section 405.195 of the Municipal Code of the City of Dardenne Prairie, Missouri, to provide for a variety of conditional uses in the C-3, Retail Commercial District; and

WHEREAS, after publishing notice, the Board of Aldermen of the City (the "Board of Aldermen") and the Planning and Zoning Commission of the City did hold duly advertised public hearings on the proposed amendments to the City's zoning regulations; and

WHEREAS, at these public hearings all interested persons and residents were given an opportunity to be heard on the proposed amendments; and

WHEREAS, the Board of Aldermen hereby finds and determines that it is to the benefit of the health, safety and general welfare of the residents of the City to provide for certain amendments to Subsection (C) of Section 405.195 of the Municipal Code of the City of Dardenne Prairie, Missouri, to provide for a variety of conditional uses in the C-3, Retail Commercial District;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF
THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

SECTION 1. That Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by adding thereto the following defined terms:

MOBILE VENDING BUSINESS EATING AND DRINKING GARDEN

Shall have the same meaning as set forth in Chapter 632 of the City Code.

PREFABRICATED BUILDING

A factory-fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for commercial, educational, or industrial purposes. Prefabricated buildings include shipping container structures, but do not include structures defined as manufactured or mobile homes or constructed with an integral chassis and attached wheels.

SHIPPING CONTAINER

A portable storage container designed and manufactured according to specifications from the International Standards Organization (ISO) as a standard, reusable vessel intended to be loaded on a truck, rail car or ship, used primarily for shipping goods.

SHIPPING CONTAINER STRUCTURE

A structure constructed of one (1) or more shipping containers.

SECTION 2. That Subsection (C) of Section 405.195 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby deleted in its entirety and enacted, in lieu thereof, is a new Subsection (C) of Section 405.195, which shall read as follows:

Section 405.195 "C-3" Retail Commercial District.

...

- C. Conditional Uses.**
1. Accessory dwelling units, provided that no more than one (1) accessory dwelling unit shall be permitted per lot.
 2. Alcoholic beverages (liquor, beer and wine), retail.
 3. Automobile and other motor vehicles, fuel sales (without repair services).
 4. Automobile and other motor vehicles, drive-through oil-change facilities.
 5. Automobile and other motor vehicles, parts and equipment sales, retail.
 6. Automobiles and other passenger vehicles, rental services.
 7. Banks, savings and loans, and credit unions with drive-through facilities (does not include check-cashing, payday loans and similar facilities).
 8. Banquet hall and party centers.
 9. Bars, pubs, nightclubs and taverns.
 10. Bowling alleys.
 11. Car washes (excluding semi-trailer trucks).
 12. Commercial recreation not elsewhere listed, provided all buildings are two hundred (200) feet from a "R" District.
 13. Convenience stores (with fuel sales).
 14. Drive-through facilities (restaurants, pharmacy, grocery, etc.).
 15. Electronic entertainment and communication products, repair.
 16. Farmers markets.
 17. Farms (roadside stands), retail.
 18. Garden centers, greenhouses (commercial) and nurseries, retail only.
 19. Gun shops and gunsmiths.
 20. Hotels, motels, extended-stay hotels.
 21. Health and fitness clubs.
 22. Microbreweries within restaurants and do-it-yourself beer- and wine-making stores.
 23. **Mobile Vending Business Eating and Drinking Garden**

24. Outdoor storage or display in connection with, and accessory to, a permitted retail use on the site. Material, product, inventory, goods and/or equipment not displayed for sale or lease on the site may be permitted in the side and/or rear yard, provided items are screened or enclosed by a masonry wall, sight-proof fence or equivalent landscape hedge not less than six (6) feet in height. Outdoor display of merchandise and goods for lease or sale at retail may be approved without screening subject to any conditions of the conditional use permit.
25. Pet stores.
26. Pool and billiard halls.
27. **Prefabricated buildings.**
28. Secondhand merchandise (including consignment, but not including pawnshops), retail.
29. Sign manufacturing conducted in conjunction with retail sales of signs on the premises. Outdoor storage of any material, product, inventory, goods and/or equipment is prohibited.
30. Wholesale establishment or warehouse in a completely enclosed building.
31. Wireless support structures and wireless facilities.
32. Accessory uses customarily incident to any conditional uses in this Section.
33. Veterinarian.

SECTION 3. That Article V of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri be and is hereby amended by enacting a new Section 405.437, to read, as follows:

405.437 Prefabricated Structures

- A. Prefabricated structures are only permitted within the "C-3" Retail Commercial District pursuant to a conditional use permit. The use of prefabricated structures is discouraged, and should only be permitted as a conditional use permit upon demonstration by the applicant that such use is compatible and complimentary to adjacent buildings and structures, will not negatively impact the property values of adjacent properties, and is consistent with the comprehensive plan.
- B. No prefabricated structure may be used for residential purposes.
- C. Prefabricated structures may be used for commercial retail purposes from which any goods, wares, flowers, horticultural products, food, drink or similar items may be sold. No services may be provided from within a prefabricated structure. Customers of the business operating out of the prefabricated structure shall not be permitted to enter the prefabricated structure to conduct business, but business may be conducted through an opening to the prefabricated structure or a service window.
- D. Permit Required.
 1. A building permit is required prior to permanent placement of a prefabricated structure ensuring effective anchoring/foundation/placement on a permanent foundation according to the Building Code.

2. Prefabricated structures shall meet all the zoning requirements of the underlying zoning district, including placement, fencing, and screening, shall have functioning utilities commensurate with their usage and be included in the calculation of overall lot coverage.
3. Prior to any construction or placing of any prefabricated structure on the building site, the fabricator of such building shall be required to submit to the Zoning Administrator a certification that the building or dwelling was assembled as per the approved plans and specifications.
4. Shipping Container structures shall be certified by a Missouri licensed professional engineer as structurally sound, shall be fully compliant with Chapter 500, and shall be a permanent structure.

E. Appearance And Maintenance. Any prefabricated structure must designed to have color, scale and proportions compatible and complimentary to adjacent structures and developments. Graffiti, words, murals or logos are not allowed. Shipping container structures shall be painted or treated so as to prevent rust.

SECTION 4. Savings Clause: Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

SECTION 5. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 6. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

Read two (2) times, passed, and approved this ____ day of _____, 2022.

As Presiding Officer and as Mayor

Attest:

City Clerk

Approved this _____ day of _____, 2022.

Mayor

Attest: _____
City Clerk

DRAFT

BILL NO. 22- _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI,
AMENDING VARIOUS SECTIONS OF THE MUNICIPAL CODE OF THE
CITY OF DARDENNE PRAIRIE, MISSOURI, RELATING TO THE CITY
ENGINEER, CITY TRAFFIC ENGINEER, AND ZONING
ADMINISTRATOR WITHIN THE CITY**

WHEREAS, pursuant to § 79.290, RSMo., “[T]he duties, powers and privileges of officers of every character in any way connected with the city government . . . shall be prescribed by ordinance[;]” and

WHEREAS, the Board of Aldermen of the City of Dardenne Prairie, Missouri (the “City”), desires to amend various provisions of the Municipal Code of the City of Dardenne Prairie, Missouri, to provide for certain duties, powers, and privileges of the City Engineer, City Traffic Engineer, and Zoning Administrator, respectively; and

WHEREAS, the Board of Aldermen of the City hereby finds and determines that it is to the benefit of the health, safety and general welfare of the residents of the City to provide for certain amendments to various provisions of the Municipal Code of the City of Dardenne Prairie, Missouri, to provide for certain duties, powers, and privileges of the City Engineer, City Traffic Engineer, and Zoning Administrator, respectively.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 325.160 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 325.160 in its entirety and enacted, in lieu thereof, is a new Section 325.160, to read as follows:

Section 325.160. Establishing Construction Zones.

- A.** *Establishing Construction Zones.* The City Traffic Engineer or the Police Department shall periodically examine the roadways within the City limits and determine which of these roadways contain construction zones. In the event that a construction zone exists, the City Traffic Engineer or the Police Department are hereby empowered to make and enforce a temporary regulation to establish a construction zone; provided, however, that any such temporary regulation shall terminate after ninety (90) days. Such temporary regulations may include posting signs and prohibiting drivers from exceeding a speed not below twenty-five (25) miles per hour. Notwithstanding anything else contained herein, nothing shall prohibit the City Traffic Engineer or the Police Department from passing consecutive

temporary regulations to maintain construction zones for longer than ninety (90) days.

- B.** *Posting Signs For Construction Zones.* The City Traffic Engineer or the Police Department shall be authorized to cause signs to be posted in all construction zones. Such signs shall advise persons using the roadways that additional penalties exist for the violation of traffic regulations under this Section. Additionally, the City Traffic Engineer or the Police Department shall be responsible for removing such signs when and if the designated area no longer qualifies as a construction zone.

SECTION 2. That Subparagraph (b) of Paragraph (1) of Subsection (B) of Section 350.340 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subparagraph (b) of Paragraph (1) of Subsection (B) in its entirety and enacted, in lieu thereof, is a new Subparagraph (b) of Paragraph (1) of Subsection (B) of Section 350.340, to read as follows:

Section 350.340. Parking of Certain Vehicles Restricted.

...

- B.** *Parking Requirements.*
- 1.** *General parking requirements.*

...

- b.** A paved surface shall be constructed of concrete, asphalt, brick, interlocking pavers or other similar surfaces approved by the City Traffic Engineer or his or her designee. This surface shall be free from the growth of grass and weeds. The paved area shall extend the full length and width of the automobile, truck, trailer or recreational vehicle.

SECTION 3. That Subsection (D) of Section 350.350 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subsection (D) in its entirety and enacted, in lieu thereof, is a new Subsection (D) of Section 350.350, to read as follows:

Section 350.350. Unmuffled Engine Braking Prohibited — Exceptions.

...

- D.** Signs prohibiting engine braking shall be installed on the public streets, roads and highways of the City as deemed necessary by the City Traffic Engineer.

SECTION 4. That Subparagraph (e) of Paragraph (1) of Subsection (B) of Section 530.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subparagraph (e) of Paragraph (1) of Subsection (B) in its entirety and enacted, in lieu thereof, is a new Subparagraph (e) of Paragraph (1) of Subsection (B) of Section 530.080, to read as follows:

Section 530.080. Right-of-Way Vacation Policy.

B. Procedures.

1. *Application.* Applications for any right-of-way vacation shall be made on an application form provided by the City Engineer. Each application shall be filed with the City Engineer and shall be accompanied by the data prescribed on the form and any additional information deemed necessary by the City Engineer. The application shall be accompanied by the fee set forth in this Section, payable to the City to cover the costs and expenses associated with the application. No part of such fee shall be returnable to the applicant.

An application for a vacation of right-of-way shall be signed by all fee owners of the real property burdened by the right(s)-of-way to be vacated and by the applicant, if other than the fee owners. The application shall be submitted to the City Engineer and shall contain or be submitted concurrently with the following information:

- e. The date of filing with the ~~Director of Public Works~~ City Engineer;

SECTION 5. That Section 550.010 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby enacting a new definition thereto, to read as follows:

Section 550.020 Definitions.

For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular shall include the plural, and vice-versa; the words "these regulations" mean "this Chapter"; and the word "shall" is always mandatory.

CITY ENGINEERING DEPARTMENT

The office of City Engineer as created under Chapter 115 of the Municipal Code, as amended.

SECTION 6. That Section 605.220 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 605.220 in its entirety and enacted, in lieu thereof, is a new Section 605.220, to read as follows:

Section 605.220. Structure.

Definition of "structure" shall be considered something having a roof (includes a tent) or an area designated as an open-air market by the City Engineer Zoning Administrator. For purposes of this Section, "Zoning Administrator" shall have the same meaning as set forth in Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, as amended.

SECTION 7. That Section 605.280 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 605.280 in its entirety and enacted, in lieu thereof, is a new Section 605.280, to read as follows:

Section 605.280. Inspection of Premises — License Issuance.

Upon receipt of an application for a license for a hotel, rooming, boarding or lodging house or private club, the City Clerk shall refer the same to the Zoning Administrator City Engineer who shall cause an inspection of the premises to be made from the standpoints of health, sanitation and safety. The Zoning Administrator City Engineer shall make a report of the inspection which, together with the application, shall be referred to the Board of Aldermen/Mayor. If such inspection determines that the establishment contemplated by the applicant is in compliance with all applicable laws and ordinances, the City Administrator shall direct the issuance of the license. For purposes of this Section, "Zoning Administrator" shall have the same meaning as set forth in Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, as amended.

SECTION 8. That Section 605.290 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 605.290 in its entirety and enacted, in lieu thereof, is a new Section 605.290, to read as follows:

Section 605.290. Inspection of Premises During License Period and Revocation of License.

The Mayor may at any time require the inspection of any hotel, boarding, rooming or lodging house or private club by the Zoning Administrator City Engineer and may order any alterations or changes made or the installation of any safety appliance that may be necessary to render the premises sanitary, safe or suitable for

the purposes for which they are used. In the event of failure to comply with any such requirements within a period of thirty (30) days, then the license for any such hotel, rooming, lodging or boarding house or private club may be revoked by the City Clerk or his/her designee and a hearing held as provided for in Article I, Section 605.080. For purposes of this Section, "Zoning Administrator" shall have the same meaning as set forth in Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, as amended.

SECTION 9. That Section 635.102 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting the definition of the term "CITY ENGINEER" in its entirety and enacted, in lieu thereof, is a new definition of the term "CITY ENGINEER", to read as follows:

Section 635.102. Definitions.

As used in Sections 635.101 to 635.109, the following terms shall mean:

CITY ENGINEER

The City Engineer of the City of Dardenne Prairie, Missouri, appointed pursuant to Chapter 113 of the Municipal Code, or any other person or persons designated by the City Administrator.

SECTION 10. Savings Clause: Nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 11. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 12. Effective Date: This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

Read two (2) times, passed, and approved this _____ day of _____, 2022.

As Presiding Officer and as Mayor

Attest:

City Clerk

Approved this _____ day of _____, 2022.

Mayor

Attest:

City Clerk

BILL NO. 22- _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE,
MISSOURI, ENACTING A NEW CHAPTER 632, AND
REGULATING MOBILE FOOD VENDORS AND ICE
CREAM TRUCKS**

WHEREAS, pursuant to § 94.270, RSMo., the Board of Aldermen of the City of Dardenne Prairie, Missouri, has the power and authority to regulate, license, levy, and collect a license tax on merchants of all kinds; and

WHEREAS, the Board of Aldermen finds and determines that regulating mobile vending businesses in the City will promote the health, safety, and general welfare of the residents of the City.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:

SECTION 1. That the Municipal Code of the City of Dardenne Prairie be and is hereby amended by enacting a new Chapter 632, to read as follows:

CHAPTER 632 MOBILE FOOD VENDORS

SECTION 632.010. DEFINITIONS.

As used in this Chapter, the following words have the meanings indicated:

APPLICANT

Any person who applies for a mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license within the City as required by this Chapter.

APPLICATION

An application for either a mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license on a form provided by the City Clerk.

CITY CLERK

The City Clerk for the City of Dardenne Prairie, or such other person as may be designated by the City Administrator.

CODE

The Municipal Code of the City of Dardenne Prairie, Missouri, as amended from time to time.

ICE CREAM TRUCK

Any mobile vending vehicle from which ice cream, frozen milk, frozen dairy or ice confection products are sold or offered for sale in a ready-to-eat form and customarily consumed at the point of purchase that does not qualify as a mobile vending business.

ICE CREAM TRUCK LICENSE

An annual license issued by the City Clerk to operate an ice cream truck in the City.

LICENSE YEAR

January 1 through December 31 of a calendar year.

LICENSED PREMISES

Real estate for which a mobile vending business premises license or mobile vending business eating and drinking garden license has been issued.

MERCHANDISE

Any goods, wares, flowers, horticultural products, services or similar items sold by a mobile vending business.

MOBILE VENDING BUSINESS

A business engaged in the cooking, preparing, assembling, serving, selling, offering for sale, or distributing of food, beverages, or any other type of merchandise to the general public from a mobile vending vehicle or temporary display stand within the City while such mobile vending vehicles or temporary display stand remains parked or in an otherwise stationary position for thirty (30) minutes or more.

MOBILE VENDING BUSINESS EATING AND DRINKING GARDEN

A property on which multiple mobile vending businesses may operate at a single time, as permitted by Chapter 632 of the Code.

MOBILE VENDING BUSINESS EATING AND DRINKING GARDEN LICENSE

An annual license issued by the City Clerk to operate a mobile vending business eating and drinking garden in the City.

MOBILE VENDING BUSINESS PREMISES LICENSE

An annual license issued by the City Clerk to the owner or operator of a licensed premises, excluding mobile vending business eating and drinking gardens, which authorizes the operation of a mobile vending business on the licensed premises. The holder of a mobile vending business premises license may allow multiple mobile vending businesses to operate on the licensed premises.

MOBILE VENDOR PERMIT

A permit issued by the City Clerk to the owner or operator of a mobile vending business to operate in the City.

MOBILE VENDING VEHICLE

Any moveable vehicle, truck, trailer, pushcart, portable structure, or other similar vehicle used by a mobile vending business.

OWNER

When used in connection with motor vehicles, any person who holds legal title to a vehicle or has the legal right to possession thereof; when applied to a structure, building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or part of such structure, building or land.

PERSON

Any individual, co-partnership, firm, association, company, or combination of individuals, of whatever form or character.

TEMPORARY DISPLAY STAND:

A stand, booth, stall, table, tent, wagon, handcart, pack, basket or other similar portable structure, container, display or devise, but not a mobile vending vehicle, used by a mobile vending business to serve, sell, distribute or offer for sale at retail of food, beverages or any other type of merchandise.

SECTION 632.020. MOBILE VENDING PERMITS AND LICENSES.

A. *Mobile Vendor Permit.* No person shall operate a mobile vending business within the City without having first obtained a mobile vendor permit from the City Clerk pursuant to the requirements of this Chapter.

B. *Mobile Vending Business Premises License.* No owner or operator of real estate within the City shall authorize or allow a mobile vending vehicle or temporary display stand to engage in a mobile vending business on such real estate without the owner or operator of such real estate obtaining a mobile vending business premises license from the City Clerk pursuant to the requirements of this Chapter. Notwithstanding the foregoing, this Subsection B shall not apply to mobile vending business eating and drinking gardens.

C. *Mobile Vending Business Eating and Drinking Garden License.* No person shall operate a mobile vending business eating and drinking garden within the City without having first obtained a mobile vending business eating and drinking garden license from the City Clerk pursuant to the requirements of this Chapter.

D. *Ice Cream Truck License.* No person shall operate an ice cream truck within the City without having first obtained an ice cream truck license from the City Clerk pursuant to the requirements of this Chapter.

SECTION 632.030. APPLICATIONS.

A. *Applications And Application Fees.*

1. Applications for a mobile vendor permit, mobile vending business premises license, mobile vending business eating and drinking garden license, or ice cream truck license shall be made in writing on forms prepared and provided by the City and submitted to the City Clerk. An applicant must submit a completed application, along with the application fee, to the City Clerk.
2. Each application shall be accompanied by a nonrefundable application fee in the following amounts:
 - a. Mobile vendor permit—twenty-five dollars (\$25.00);
 - b. Mobile vending business premises license—fifty dollars (\$50.00);
 - c. Mobile vending business eating and drinking garden license—fifty dollars (\$50.00); and
 - d. Ice cream truck license – one hundred dollars (\$100.00).

No application fee shall be pro-rated if the license or permit is obtained during the middle of a license year.

3. Mobile Vendor Permit. A separate mobile vendor permit shall be obtained for each separate and distinct mobile vending vehicle or temporary display stand proposed to be used by an applicant. An application for a mobile vendor permit shall include the following information and shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which the applicant proposes to operate its mobile vending business:
 - a. The full legal name, daytime telephone number, email address, home address, and business address of the person applying for the mobile vendor permit;
 - b. If the applicant is an entity, the application shall state the full name of the entity, the names and addresses of its officers, managers, members, partners or trustees, its principal address, daytime telephone number, and its registered agent and registered address;
 - c. The name(s), address(es), and daytime telephone number(s) of the legal owner(s) of the licensed premises on which the applicant will operate the mobile vending business, along with proof of written permission or consent from the owner(s) for applicant to operate its mobile vending business;
 - d. A description of the type of food, beverages or merchandise proposed to be sold, distributed, or offered for sale by the mobile vending business;
 - e. A description of the mobile vending vehicle or temporary display stand;
 - f. If the mobile vending business will operate out of a mobile vending vehicle, then the application shall include:

display stands on the licensed premises for more than six (6) days in a calendar year;

- d. A description of the licensed premises, which shall include, but shall not be limited to, the following:

- i. The address of the property;
- ii. A depiction of all buildings, structures, green space, parking spaces, ingresses and egresses onto and off of public roadways, and other natural or man-made features on the property; and
- iii. The number, size(s), location(s), and a description of the garbage receptacles to be located and utilized by the mobile vending business;

- e. Copies of all requisite liquor licenses issued to the applicant by the City, St. Charles County, or the State of Missouri;

- f. If applicable, a copy of any permit or license required by the St. Charles County Department of Public Health; and

- g. Such other information as the City Clerk may require.

- 5. Mobile Vending Business Eating and Drinking Garden License. An application for a mobile vending business eating and drinking garden license shall include the following information and shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which a mobile vending business will operate on the licensed premises:

- a. The full legal name, daytime telephone number, email address, home address, and business address of the person applying for the mobile vending business eating and drinking garden license;

- b. If the applicant is an entity, the application shall state the full name of the entity, the names and addresses of its officers, managers, members, partners or trustees, its principal address, daytime telephone number, and its registered agent and registered address;

- c. The proposed hour(s) of operation. There is no limitation on the number of days per license year in which mobile vending businesses may operate on the licensed premises;

- d. A description of the licensed premises, which shall include, but shall not be limited to, the following:

- i. The address of the property;
 - ii. A depiction of all buildings, structures, green space, parking spaces, ingresses and egresses onto and off of public roadways, and other natural or man-made features on the property; and
 - iii. The number, size(s), location(s), and a description of the garbage receptacles to be located and utilized by the mobile vending business;
 - e. Copies of all requisite liquor licenses issued to the applicant by the City, St. Charles County, or the State of Missouri;
 - f. If applicable, a copy of any permit or license required by the St. Charles County Department of Public Health; and
 - g. Such other information as the City Clerk may require.
6. Ice Cream Truck License. An application for an ice cream truck license shall include the same information as required for a mobile vendor permit as required in Section 632.030(A)(3) of this Code. An application for an ice cream truck license shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which the applicant proposed to operate its ice cream truck. In addition, no person shall operate, working in or otherwise conduct sales within an ice cream truck without having first applied for and obtained an identification card for a peddler pursuant to Article III of Chapter 605 of this Code. Notwithstanding the provisions of Article III of Chapter 605 of this Code to the contrary, the fee for each identification card required herein shall be fifteen dollars (\$15.00) and, once issued, shall be valid during the license year for which it is issued, or part thereof.
- B. *Application Review and Determination.* The City Clerk shall review each completed application in accordance with the following procedures:
- 1. The City Clerk shall review each completed application upon receipt of such application and its corresponding application fee and shall approve, approve with conditions, or deny such application within ten (10) days of receipt thereof.
 - 2. An application is deemed to be complete upon the City Clerk determining that:
 - a. The application includes all necessary information required under Subsection (A);
 - b. The applicant has submitted all other requisite permits and licenses from the City, County, or State; and
 - c. The applicant has paid the application fee.

3. In granting a mobile vendor permit, mobile vending business premises license, mobile vending business eating and drinking garden license, or ice cream truck license the City Clerk may add reasonable conditions beyond the specific restrictions and requirements of this Chapter which are deemed by the City Clerk to be necessary to protect the peace, health, safety, comfort, morals, and general welfare of the City and its inhabitants, including, but necessarily limited to, maintaining the adequate circulation of vehicular and pedestrian traffic, avoiding the accumulation of garbage and litter, providing sufficient parking, and maintaining compliance with other provisions of this Code.
- C. *Issuance.* All approved mobile vendor permits, mobile vending business premises licenses, or mobile vending business eating and drinking garden licenses shall be signed by the City Clerk.
- D. *Denial.* The City Clerk may refuse to grant a mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license for any of the following reasons:
 1. Applicant has failed to provide all the necessary information required by the application or this Chapter;
 2. Purported fraud or misrepresentation contained in the application or supporting information or documentation;
 3. Applicant's failure to comply with the provisions of this Chapter or any other applicable City ordinance or law of the United States, St. Charles County, or the State of Missouri; or
 4. For any of the reasons provided for in Section 605.040(C) of this Code.
- E. *Liability.* Nothing in this Chapter shall be construed to create or constitute a liability to or a cause of action against the City related to the issuance of any mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license.

SECTION 632.040. RULES AND REGULATIONS ESTABLISHED.

- A. It shall be the responsibility of the mobile vending business to ensure that:
 1. All food, beverages and other merchandise cooked, prepared, assembled, served, distributed, offered for sale, or sold from its mobile vending vehicle or temporary display stand are in a fresh and sanitary condition;
 2. The sidewalks, streets and other spaces adjacent to its area of operation are clean and free of refuse of any kind;

3. At the close of the business day, all refuse of any kind accumulating within fifteen (15) feet of the mobile vending business's area of operation is or has been removed or collected and is otherwise properly disposed of; and
 4. All sales taxes for the sales of food, beverages, or merchandise made by the mobile vending business within the City are promptly paid when due.
- B.** It shall be the responsibility of the person or entity holding the mobile vending business premises license or mobile vending business eating and drinking garden license to ensure that:
1. All mobile food vendors operating on the licensed premises have a validly issued mobile vending business permit and other licenses and permits required by the City, County, or State;
 2. All sales taxes for the sales of food, beverages, or merchandise made by any mobile vending business on the licensed premises are promptly paid when due.
- C.** The City or its agents shall be permitted to inspect the licensed premises, the mobile vending vehicle, temporary display stand, and all items for sale by the mobile vending business at any reasonable time to ensure compliance with this Chapter and other provisions of the ordinances of the City.
- D.** No mobile vending business shall be permitted to operate on property which is not a licensed premises under this Chapter.
- E.** No mobile vending business shall be operated between the hours of 11:00 p.m. and 6:00 a.m.
- F.** The conduct and behavior of all mobile vending businesses shall comply in all respects with all noise ordinances of the City.
- G.** A mobile vending business shall provide for a garbage receptacle for refuse of any kind that shall be maintained and emptied regularly and marked as being for refuse.
- H.** No mobile vending business shall:
1. Leave any mobile vending vehicle or temporary display stand unattended.
 2. Conduct a mobile vending business in a manner that obstructs access to private property, except with the prior written consent of the property affected thereby.
 3. Put refuse from the operation of their mobile vending business in any drain or in the streets or sidewalks.

4. Store, park, or leave any mobile vending vehicle or temporary display stand on any street or sidewalk between 11 p.m. and 6 a.m. of the following day.
 5. Leave any location without first picking up, removing, and properly disposing of all refuse remaining from sales made or otherwise resulting from the operation of the mobile vending business.
 6. Install, erect, or maintain any signage other than one A-frame sign not to exceed nine (9) square feet in size, which must be located within six (6) feet of the mobile vending vehicle or temporary display stand.
 7. Block any part of the right-of-way of a public or private street, sidewalk, ramp, curb cut, or trail in the City.
- I. Except for ice cream trucks, no mobile vending business shall operate on a residentially zoned property or on property that is primarily used for residential purposes.
- J. Every ice cream truck shall be equipped with:
1. Front passenger side-mounted wide-angle convex mirror;
 2. Signage visible from the rear of the vehicle, a minimum of one (1) square foot in size, stating either "Caution" or "Watch for Children" with the lettering at least three (3) inches tall;
 3. Reverse backup alarm capable of emitting a sound adequate in quantity and volume to give warning that the vehicle is about to back up;
 4. Rear visibility for the operator by means of a rear-mounted mirror, obstacle detection sensor, or camera; and
 5. Front-mounted obstacle detection system capable of detecting obstacles within three (3) feet of the vehicle's front bumper.

Every ice cream truck shall activate the equipment in Subsection (A)(3) — (A)(5) when engaged in operation as an ice cream truck.

- K. The City Administrator shall formulate any additional rules and regulations necessary for the proper administration of this Chapter. Rules and regulations shall be maintained in the office of the City Clerk and shall be available for public inspection during ordinary business hours.

SECTION 632.050. REVOCATION OR SUSPENSION OF A PERMIT OR LICENSE.

- A. The City Clerk may suspend for a period of up to ninety (90) days or revoke any mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license upon the finding of one (1) or more of the following:

1. Intentional misstatements or misleading statements of fact in the application which are not discovered until after the issuance of the mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license, as applicable;
2. Permitting any conduct that would constitute a violation of the requirements of this Chapter 632; or
3. Permitting any conduct that would constitute a violation of any laws of the United States, the State of Missouri, the ordinances of St. Charles County, or the ordinances of the City.

SECTION 632.060. APPEAL OF A DENIED, SUSPENDED OR REVOKED PERMIT OR LICENSE.

Any applicant or mobile vending business aggrieved by the decision of the City Clerk to deny, suspend or revoke any mobile vendor permit, mobile vending business premises license, mobile vending business eating and drinking garden license, or food truck license pursuant to the provisions of this Chapter shall have the right to appeal such action to the City Administrator pursuant to Section 605.080 of the Municipal Code.

SECTION 2. Savings Clause: Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

SECTION 3. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 4. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

[The remainder of this page is intentionally left blank.]

Read two (2) times, passed, and approved this ____ day of _____, 2022.

As Presiding Officer and as Mayor

Attest:

City Clerk

Approved this ____ day of _____, 2022.

Mayor

Attest:

City Clerk

BILL NO. 22-_____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING VARIOUS SECTIONS OF CHAPTERS 405 AND 410 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI; AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF CHAPTERS 405 AND 410 BY THE ZONING ADMINISTRATOR.

WHEREAS, the Planning and Zoning Commission of the City of Dardenne Prairie, Missouri (the "City"), considered amendments to Chapters 405 and 410 of the Municipal Code of the City of Dardenne Prairie, Missouri (the "Zoning and Subdivision Regulations"); and

WHEREAS, the Board of Aldermen of the City (the "Board of Aldermen") and the Planning and Zoning Commission held Public Hearings on the proposed amendments to the City's Zoning and Subdivision Regulations; and

WHEREAS, at such Public Hearings all persons were given an opportunity to be heard on the proposed amendments to the City's Zoning and Subdivision Regulations; and

WHEREAS, the Board of Aldermen hereby finds and determines that it is to the benefit of the health, safety and general welfare of the residents of the City to provide for certain amendments to the City's Zoning and Subdivision Regulations to provide for the administration and enforcement of the City's Zoning and Subdivision Regulations by the Zoning Administrator.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby enacting a new definition thereto, to read as follows:

Section 405.080 Definitions.

ZONING ADMINISTRATOR

The City Administrator of the City of Dardenne Prairie, appointed pursuant to Chapter 115 of the Municipal Code, or such other person or persons designated by the City Administrator,

SECTION 2. That Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting the definitions of "CITY ENGINEER", "EXISTING STRUCTURE" and "LOT LINE, REAR" in their entirety and enacting, in lieu thereof, new definitions for "CITY ENGINEER", "EXISTING STRUCTURE", and "LOT LINE, REAR", respectively, to read as follows:

CITY ENGINEER

The officially appointed engineer of the City of Dardenne Prairie or his or her designee, or such other person or persons as may be designated by the City Administrator from time to time.

EXISTING STRUCTURE

A structure that exists at the time a request to place wireless facilities on a structure is filed with the City EngineerZoning Administrator. The term includes any structure that is capable of supporting the attachment of wireless facilities in compliance with Chapters 500 and 505 of the Municipal Code of the City of Dardenne Prairie and recognized industry standards for structural safety, capacity, reliability, and engineering, including, but not limited to, towers, buildings, and water towers. The term shall not include any utility pole.

LOT LINES

The lines bounding a lot defined herein.

...

LOT LINE, REAR — The boundary line or lines opposite and most distant from the front lot line; except that in the case of uncertainty, the City EngineerZoning Administrator shall determine the rear line. Notwithstanding the foregoing, where a lot is wedge-shaped having only two (2) side lot lines which end at a point, the rear lot line shall be considered to be said point of intersection and the rear yard shall be defined by a line parallel to the front lot line and measured the required distance from said point.

SECTION 3. That Subsection (A) of Section 405.100 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subsection (A) in its entirety and enacted, in lieu thereof, is a new Subsection (A) of Section 405.100, to read as follows:

Section 405.100. Changes to Official Zoning Map.

- A.** At least annually, if there has been the adoption of an ordinance by the Board of Aldermen of the City of Dardenne Prairie that changes the zoning of any tract of land in the City limits, the City EngineerZoning Administrator shall cause the official map to be changed to reflect the new zoning. This Zoning Map shall also show the ordinance number and date of adoption of any zoning changes since the previous update.

SECTION 4. That Subsection (E) of Section 405.220 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subsection (A)

in its entirety and enacted, in lieu thereof, is a new Subsection (E) of Section 405.220, to read as follows:

Section 405.220. Purpose.

E. *Processing Procedures For Planned Unit Developments.*

Step 1

Area Plan approval Application and Area Plan submitted to Zoning Administrator – City Engineer Staff review and comment Planning Commission — public hearing, review and recommendation Board of Aldermen — public hearing and review Board of Aldermen — review and vote

Step 2

Final Plan approval Application and Final Plan submitted to Zoning Administrator – City Engineer Staff review and comment Planning Commission — review and recommendation Board of Aldermen — review and vote

Step 3

Construction plan approval (See subdivision regulations) Application and construction plan submitted to Zoning Administrator – City Engineer Staff review and comment

Step 4

Display house plat approval (see subdivision regulations) Application and display house plat submitted to Zoning Administrator – City Engineer Staff review and comment

Step 5

Record plat approval (see subdivision regulations) Application and record plat submitted to Zoning Administrator – City Engineer Staff review and comment Planning and Zoning Commission — review and recommendation Board of Aldermen — review and vote

Step 6

Building permit approval Application and building plans submitted to Zoning Administrator – City Engineer Staff review and comment

SECTION 5. That Subsection (D) of Section 405.240 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subsection (A)

in its entirety and enacted, in lieu thereof, is a new Subsection (D) of Section 405.240, to read as follows:

Section 405.240. Application Procedure.

- ...
- D. Each application shall be filed with the Zoning Administrator ~~City Engineer~~ who shall transmit the Area Plan to the Planning and Zoning Commission for consideration. The application should be filed at least thirty (30) days prior to the Commission meeting at which it is to be first considered.

SECTION 6. That Section 405.250 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.250 in its entirety and enacted, in lieu thereof, is a new Section 405.250, to read as follows:

Section 405.250. Information Required — Area Plan.

- A. *Application.* The application for Area Plan approval shall include the following information:
1. The name of the proposed PUD.
 2. The names, addresses and phone numbers of the owner(s) of record, developer, engineer, surveyor or designer responsible for the planning, engineering survey and design, registration signature and seal of the designer.
 3. The total acreage in the Area Plan.
 4. A legal description of the entire PUD, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format.
 5. Signature(s) of all applicant(s) and all owner(s) of the land included in the Area Plan certifying the accuracy of the requested information.
 6. Receipt from the City Clerk showing paid application fee.
 7. The names and addresses of the owners of all properties or portions thereof within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the property to be affected.

8. In addition to and separate from the list required pursuant to Subsection (A)(7) above, the names and addresses of the owners of all properties or portions thereof within an area determined by lines drawn parallel to and three hundred (300) feet distant from the boundaries of the property to be affected.
9. A preliminary stormwater management plan pursuant to the requirements of Chapter 550 of this Code.
10. Any additional information deemed necessary by the City Engineer or Zoning Administrator.

B. *Area Plan.* The application shall be accompanied by two (2) copies of the proposed Area Plan drawn at appropriate scale. Additional copies for distribution to Planning and Zoning Commission and Board of Aldermen members will be requested upon review by the Zoning Administrator and City Engineer. The proposed Area Plan shall contain the following:

1. The name of the proposed PUD project.
2. A scale, date and north arrow.
3. A key map showing the PUD in relation to the surrounding area.
4. Within two hundred (200) feet of the proposed development, names of adjacent subdivisions, layout of streets (with names), right-of-way widths, connections with adjoining platted streets, widths and locations of alleys, easements and public sidewalks adjacent to or connecting with the tract, location and size of all existing sanitary sewer, storm sewer and supply facilities.
5. Existing conditions in the plan area showing all utilities, bridges, streets, drives or alleys and existing structures.
6. Existing topography (at least five (5) foot contour intervals). All topographic data shall directly relate to datum from the United States Geological Survey.
7. The zoning status of the PUD and of all adjacent properties shall be identified on the plan. If the PUD contains more than one (1) zoning district, the zoning district boundary lines shall be clearly indicated.
8. Boundary lines of school districts, fire districts, water districts and municipal limits shall be identified on the plan where applicable.

9. The general plan layout of the entire PUD showing proposed land uses, streets, parking areas, open space areas and sidewalks with significant dimensions indicated, where appropriate, to clarify the plan.
10. All planned use area clearly labeled as to the proposed use and all parcels of lands to be dedicated or reserved for public use or for use in common by property owners in the PUD shall be indicated on the plan for dedication or reservation.
11. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of land, buildings and structures, including proposed easements or grants for public utilities.
12. Proposed stages of development.
13. Data required for a Site Plan pursuant to Section 405.770 of this Chapter shall be indicated on the Area Plan. The Area Plan shall also include the following:
 - a. Total gross area of the PUD Area Plan in acres.
 - b. Breakdown of total gross area by land use type such as town houses, single-family, retail shops, open space, church, school, etc.
 - c. Residential data.
 - (1) Estimated total residential units.
 - (2) Average square feet of residential land per each type of residential unit.
 - (3) Breakdown of non-residential land by type of use.
 - (4) Total parking by land use type and parking ratio per dwelling unit.
 - (5) Two (2) density charts shall be required: one (1) reflecting residential density per acre exclusive of public right-of-way and other non-residential land uses; and the other shall reflect residential density exclusive of public rights-of-way without consideration of other types of land uses.

- d. Commercial and industrial data.
 - (1) Estimated total building square footage by land use type.
 - (2) Percent building coverage by land use type for business and industrial PUDs.
 - (3) Total parking by land use type and parking ratio per floor area.

- 14. Building elevations of proposed structures.
- 15. A landscape plan in conformance with Article IX.
- 16. Flood hazard boundaries as shown on current United States Federal Emergency Management Agency (FEMA) maps.
- 17. Depiction of areas of common ground and for stormwater detention/retention facilities.
- 18. A note describing how street lighting will be provided and maintained.
- 19. All deviations from City ordinances and from the standard zoning district regulations for the uses included along with a statement that no deviations other than those listed are included in the PUD. No deviations other than those listed will be allowed during the review and approval of a PUD Final Plan or Construction Plans.
- 20. A statement where streets are stubbed for future extension that a clearly legible sign will be posted, prior to final plat approval, stating "FUTURE STREET".
- 21. Easements and rights-of-way for future extension of streets and utilities.
- 22. Any additional information deemed necessary by the ~~Director of Community Development, Zoning Administrator,~~ the City Engineer, Planning and Zoning Commission, Board of Aldermen or any other officer of the City to adequately illustrate the proposed development.

SECTION 7. That Subsection (A) of Section 405.260 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subsection (A)

in its entirety and enacted, in lieu thereof, is a new Subsection (A) of Section 405.260, to read as follows:

Section 405.260. Procedure for Area Plan Review.

- A. Upon receipt of the Area Plan from the ~~Zoning Administrator~~City Engineer, the Planning and Zoning Commission shall undertake a study of the Area Plan. The ~~Zoning Administrator~~ City Engineer shall advise the applicant in writing of any deficiencies with the Area Plan and may make recommendations to the applicant as to amendments to the Area Plan that may be necessary for it to conform to the standards of this Chapter and other pertinent ordinances of the City.

SECTION 8. That Paragraph (11) of Subsection (A) of Section 405.290 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Paragraph (11) of Subsection (A) in its entirety and enacted, in lieu thereof, is a new Paragraph (11) of Subsection (A) of Section 405.290, to read as follows:

Section 405.290. Information Required — Final Plan.

- A. Only after the Board of Aldermen has approved the Area Plan for the proposed PUD, the owner(s) of record, or any other person(s) acting on behalf of the owner(s) of record, may apply for the review and approval of a Final Plan in accordance with this Article. The application for a Final Plan shall be for the entire PUD, or portion thereof if the proposed development is to occur in phases. Each Final Plan application shall contain the name(s), address(es), telephone number(s) and signature(s) of the owner(s) of record and the name, address and telephone number of the developer and contract purchaser (if applicable). The application shall be accompanied by proposed deed restrictions, protective covenants and homeowners' association article of incorporation and bylaws, and sixteen (16) copies of the proposed Final Plan which shall meet the following requirements:

...

11. Any other information deemed necessary by the ~~Director of Community Development~~, Zoning Administrator, the City Engineer, the Planning and Zoning Commission, the Board of Aldermen or any other officer of the City.

SECTION 9. That Section 405.360 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.360 in its entirety and enacted, in lieu thereof, is a new Section 405.360, to read as follows:

Section 405.360. Violations.

The approved Area Plan and/or Final Plan shall have the full force of the zoning ordinance. Any violation of either the approved Area Plan or approved Final Plan shall be grounds for the City Engineer Zoning Administrator and/or the Code Enforcement Officer to issue a stop work order and to withhold building permits or certificates of zoning compliance until the violation is removed and shall cause the owner of the development to be subject to the penalties provided for in this Chapter.

SECTION 10. That Paragraph (11) of Subsection (A) of Section 405.420 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Paragraph (11) of Subsection (A) in its entirety and enacted, in lieu thereof, is a new Paragraph (11) of Subsection (A) of Section 405.420, to read as follows:

Section 405.420. Home Occupations.

- A. Restrictions And Limitations. Home occupations shall be permitted as an accessory use to a residential use in any district subject to the requirements of this Section. Home occupations are intended for low intensity occupations operated out of a home which do not impact the residential neighborhood. They are not intended for operations that generate customer traffic or excessive deliveries and shipping. Typical candidate occupations might include web page design, mail order or Internet sales, professional consulting, etc.

...

11. A home occupation permit shall be issued by the Mayor on the recommendation of the Zoning Administrator City Engineer-only to the individual occupying a dwelling as his/her residence. As such, home occupation permits shall not be transferable and shall terminate upon sale or transfer of the property to a new owner. Applications may be obtained from the City Clerk and require a twenty-five dollar (\$25.00) application fee. Home occupations shall require renewal annually on January first (1st) and require a twenty-five dollar (\$25.00) renewal fee.

SECTION 11. That Subdivision (9) of Subparagraph (b) of Paragraph (1) of Subsection (B) of Section 405.430 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subdivision (9) of Subparagraph (b) of Paragraph (1) of Subsection (B) in its entirety and enacted, in lieu thereof, is a new Subdivision (9) of Subparagraph (b) of Paragraph (1) of Subsection (B) of Section 405.430, to read as follows:

Section 405.430. Temporary Uses.

...

- B. Temporary Uses Permitted.

1. Temporary retail sales use. If not already provided for as a permitted or conditional use by this Chapter, a temporary retail sales use shall be a temporary use in the non-residential zoning districts of the City provided the use meets the criteria set forth in this Section. This Section shall not supersede or substitute for any other Section of this Chapter that requires another type of permit, certification or approval.

- b. Application requirements. In conjunction with an application for a temporary use permit required pursuant to Subsection (D) of this Section, an applicant for a temporary retail sales use must submit a concept plan indicating the following:

- (9) Other items as deemed necessary by the Zoning Administrator, City Engineer, the Director of Community Development or the Board of Aldermen.

SECTION 12. That Section 405.465 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.470 in its entirety and enacted, in lieu thereof, is a new Section 405.465, to read as follows:

Section 405.465. Application and Fee.

Application for any Conditional Use Permit permissible under the provisions of this Chapter shall be made to the Planning and Zoning Commission and the Board of Aldermen by filling in the official Conditional Use Permit application form; submitting required data, exhibits and information; and depositing the required fee. The application shall be accompanied by a fee as set by the Board of Aldermen. No part of such fee shall be returnable to the applicant. Each completed application should be filed with the Zoning Administrator ~~City Engineer~~ at least thirty (30) days prior to the Commission meeting at which it is to be first considered.

SECTION 13. That Section 405.470 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.470 in its entirety and enacted, in lieu thereof, is a new Section 405.470, to read as follows:

Section 405.470. Information Required in Conditional Use Procedure.

- A. A petition for a conditional use shall be signed by all the owners of the property to be used or by their agent or agents having authority to sign the petition on their behalf and by the applicant if other than the owner. The petition shall be submitted to the Zoning Administrator City Engineer and shall contain or be submitted concurrently with the following information:
1. A legal description of the property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format.
 2. A scaled map of such property, correlated with the legal description and clearly showing the property's location.
 3. The names and addresses of all the owners of the affected property and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds proving such ownership.
 4. Date of filing with the Planning and Zoning Commission.
 5. The present zoning, proposed change of zoning, if any, and proposed use of such property.
 6. The names and mailing addresses of property owners with property within an area determined by lines drawn parallel to and three hundred (300) feet distant from the boundaries of the property(ies) to be affected.
 7. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information. If the owner(s) of the property or the petitioner(s) are a trust or business entity, then proof of the authority of the party executing the petition must be provided by way of resolution, minutes, bylaws, articles of incorporation or some other reasonable means.
 8. Site Plan — See Article XIII (unless deemed unnecessary by the Zoning Administrator City Engineer).

SECTION 14. That Paragraph (12) of Subsection (B) of Section 405.475 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Paragraph (12) of Subsection (B) in its entirety and enacted, in lieu thereof, is a new Paragraph (12) of Subsection (B) of Section 405.475, to read as follows:

Section 405.475. Action by the Planning and Zoning Commission/Board of Aldermen.

- B.** The decision to recommend approval or denial of the proposed conditional use shall be based on the following criteria:

...

- 12.** A Site Plan submitted as part of a Conditional Use Permit application may be revised or amended consistent with the provisions of Section 405.790(B) of this Code provided that such revised or amended Site Plan shall also meet the following requirements:
- a.** The revision or amendment shall not create excessive additional requirements at public cost for public facilities or services;
 - b.** The revision or amendment to the Site Plan shall not result in a change in the height of the building or structure by more than five (5) feet;
 - c.** The revision or amendment to the Site Plan shall not result in a change in distance between a building line and an adjoining residentially zoned property line;
 - d.** The revision or amendment to the Site Plan shall not result in an increase in water flow onto the adjoining residentially zoned property;
 - e.** The revision or amendment to the Site Plan shall be designed, constructed, maintained and managed so as to be harmonious and appropriate in appearance with the existing character of other properties in the general vicinity.

Notwithstanding the foregoing, if the Zoning Administrator ~~City Engineer~~ determines, in his or her sole discretion, that a revised or amended Site Plan is inconsistent with or in violation of an approved Conditional Use Permit, the Zoning Administrator ~~City Engineer~~ may refer the revised or amended Site Plan to the Planning and Zoning Commission and Board of Aldermen for consideration pursuant to Section 405.475 of this Code.

SECTION 15. That Subdivision (2) of Subparagraph (k) of Paragraph (1) of Subsection (A) of Section 405.480 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subdivision (2) of Subparagraph (k) of Paragraph (1) of Subsection (A) in its entirety and enacted, in lieu thereof, is a new Subdivision (2) of Subparagraph (k) of Paragraph (1) of Subsection (A) of Section 405.480, to read as follows:

Section 405.480. Additional Development Requirements of Certain Uses.

A. A Conditional Use Permit shall not be issued to certain uses in this Section due to their detrimental effects on public safety, health, welfare and the City's property values unless they comply with the following site development requirements.

1. *Quarries and sand and gravel pits.* The removal of soil, including top soil, sand, gravel, stone and other earth materials shall be subject to the following conditions.

k. The operator or operators shall file with the City a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, proposed final topography indicated by the contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage courses and/or other improvements to be made by a definite date.

- (2) The operator or operators shall file with the Board of Aldermen a bond or other surety payable to the City and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate per acre of property to be used for the required bond shall be submitted to and reviewed by the Zoning Administrator~~City Engineer~~. The bond shall be released upon written certification of the Zoning Administrator~~City Engineer~~ that the restoration is complete and in compliance with the restoration plan.

SECTION 16. That Subsections (B), (C), and (F) of Section 405.481 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subsections (B), (C), and (F) in their entirety and enacted, in lieu thereof, are new Subsections (B), (C), and (F) of Section 405.481, to read as follows:

Section 405.481. Conditional Use Permits for New Wireless Support Structures or a Substantial Modification of a Wireless Support Structure.

B. *Filing Of Application And Fees.*

1. An application for any conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be made on an application form provided by the ~~City Engineer~~Zoning Administrator. Each application shall be filed with the Zoning Administrator ~~City Engineer~~ and shall be accompanied by the data prescribed on the form and any additional information deemed necessary by the Zoning Administrator~~City Engineer~~. The application shall be accompanied by the fee set forth in the fee schedule, as provided by Section 405.965 of the Municipal Code of the City of Dardenne Prairie, payable to the City to cover the costs of advertising, notification, and other administrative expenses associated with the application. No part of such fee shall be returnable to the applicant.
2. An application for a conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be submitted to the Zoning Administrator ~~City Engineer~~ and shall contain or be submitted concurrently with the following information:
 - a. A legal description of the property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft-Word-compatible format;
 - b. A scaled map of such property, correlated with the legal description and clearly showing the property's location;
 - c. The names, addresses and telephone numbers of the applicant(s), all the fee owners of such property and their agents, if any, and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds evidencing such ownership;
 - d. A copy of a lease, letter of authorization or other agreement from the property owner evidencing the applicant's right to pursue the application;
 - e. Date of filing with the Zoning Administrator~~City Engineer~~;
 - f. The present zoning, proposed change of zoning, if any, and proposed use of such property;
 - g. The names and mailing addresses of property owners with property within an area determined by lines drawn parallel

to and three hundred (300) feet distant from the boundaries of the property(ies) to be affected;

- h. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the required information. If the owner(s) of the property or the applicant(s) are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, bylaws, articles of incorporation or some other reasonable means;
- i. Site plan. See Article XIII (unless deemed unnecessary by the ~~Zoning Administrator~~City Engineer);
- j. Photographs or other pictorial representations of the new wireless support structure, or the substantial modification of a wireless support structure, as viewed from neighboring properties to demonstrate if the wireless support structure is harmonious with the appearance and character of the neighborhood;
- k. A landscape plan, meeting the requirements of Chapter 405, Article IX, detailing the landscaping around the base of all wireless support structures, wireless facilities, base stations, and equipment compounds;
- l. The type of wireless facilities, infrastructure or technology to be used by the applicant; and
- m. Solely with respect to an application for a new wireless support structure, a statement by the applicant that it conducted an analysis of available collocation opportunities on existing wireless support structures within the same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis.

C. Procedure.

1. *Hearing and consideration by the Planning and Zoning Commission.* Within sixty (60) calendar days of receiving an application for a conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, or within such additional time as may be mutually agreed to by an applicant and the ~~Zoning Administrator~~City Engineer, the Planning and Zoning Commission shall:

- a. Conduct a hearing and review the application in light of its conformity with this Section:
 - (1) An application is deemed to be complete unless the ~~Zoning Administrator City Engineer~~ notifies the applicant in writing, within thirty (30) calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete.
 - (2) Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty (30) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within said period of thirty (30) calendar days, the application shall be reviewed and processed, by both the Planning and Zoning Commission and the Board of Aldermen, within one hundred twenty (120) calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty (30) calendar days to cure the specific deficiencies, the one-hundred-twenty-calendar-day deadline for the City to review the application, make the final decision, and advise the applicant in writing of its final decision, shall be extended by the same period of time.
- b. *Determine whether or not the standards described in this Section have been met by the applicant.* The burden of proof shall be on the applicant to prove that such standards have been met by the applicant. Thereafter, the Planning and Zoning Commission shall either:
 - (1) Postpone consideration of the application because the application is incomplete;
 - (2) Recommend approval of the application to the Board of Aldermen;
 - (3) Recommend approval of the application with conditions to the Board of Aldermen; or
 - (4) Recommend denial of the application to the Board of Aldermen.
- c. If the Planning and Zoning Commission fails to act on an application for a special use permit to construct a new

wireless support structure, or for a substantial modification of a wireless support structure, within its sixty-calendar-day review period, or within such additional time as may be mutually agreed to by an applicant and the Zoning AdministratorCity-Engineer, the Planning and Zoning Commission shall be deemed to have recommended approval of the application to the Board of Aldermen.

2. *Notice of hearings.* Notices for hearings required under this Section shall be handled the same as a zoning amendment as described in Article XV of this Chapter.
3. *Hearing and consideration by the Board of Aldermen.* Upon receipt of a recommendation from the Planning and Zoning Commission, and after providing notice pursuant to this Section, within one hundred twenty (120) calendar days of the Planning and Zoning Commission's receipt of an application for a conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, or within such additional time as may be mutually agreed to by an applicant and the Zoning AdministratorCity-Engineer, the Board of Aldermen shall conduct a hearing, on the record, on the application and it shall:
 - a. Review the application in light of its conformity with this Section;
 - b. Make its final decision to approve or disapprove the application; and
 - c. Advise the applicant in writing of its final decision.
4. The special use permit under consideration by the Board of Aldermen shall be in the form of an ordinance. Such ordinance shall include findings of fact as well as such terms, conditions, safeguards and restrictions upon the special use as deemed necessary by the Board of Aldermen.
5. If the Board of Aldermen fails to act on an application for a conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, within the one-hundred-twenty-calendar-day review period, or within such additional time as may be mutually agreed to by an applicant and the Zoning AdministratorCity-Engineer, the application shall be deemed approved.

- F. The following definitions shall apply in interpretation and enforcement of Sections 405.481, 405.482, and 405.940:

APPLICANT

Any person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits an application.

APPLICATION

A request submitted by an applicant to the City to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for an eligible facilities request.

BUILDING PERMIT

A permit issued by the City ~~Engineer~~ prior to commencement of work on the collocation of wireless facilities on an existing structure, the substantial modification of a wireless support structure, or the commencement of construction of any new wireless support structure, solely to ensure that the work to be performed by the applicant wireless communication services satisfies the applicable building code.

SECTION 17. That Subsections (A) and (B) of Section 405.482 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subsections (A) and (B) in their entirety and enacted, in lieu thereof, are new Subsections (A) and (B) of Section 405.482, to read as follows:

Section 405.482. Wireless Facilities Permit.

- A. *Intent And Purpose.* Any person making an eligible facilities request for a modification of an existing wireless support structure or base station that is not a substantial modification of such wireless support structure or base station must apply to the ~~Zoning Administrator City Engineer~~ for a wireless facilities permit. An application for a wireless facilities permit shall be made on an application form provided by the ~~Zoning Administrator City Engineer~~. The application shall be accompanied by the fee set forth in the fee schedule, as provided by Section 405.965 of the Municipal Code of the City of Dardenne Prairie, payable to the City to cover the costs of advertising, notification, and other administrative expenses associated with the application. No part of such fee shall be returnable to the applicant. The ~~Zoning Administrator City Engineer~~ may not deny, and shall approve, such Wireless Facilities Permits.

B. Procedure. All applications for a Wireless Facilities Permit shall comply with the procedures set forth in this Subsection (B).

1. An applicant for a Wireless Facilities Permit shall submit the application and all attachments to the Zoning AdministratorCity Engineer.
2. Each application shall include the following:
 - a. A legal description of the property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft-Word-compatible format;
 - b. A scaled map of such property, correlated with the legal description and clearly showing the property's location;
 - c. The names, addresses and telephone numbers of the applicant(s), all the fee owners of such property and their agents, if any, and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds evidencing such ownership;
 - d. A copy of a lease, letter of authorization or other agreement from the property owner evidencing the applicant's right to pursue the application;
 - e. Date of filing with the Zoning AdministratorCity Engineer;
 - f. The present zoning, proposed change of zoning, if any, and proposed use of such property;
 - g. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the required information. If the owner(s) of the property or the applicant(s) are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, bylaws, articles of incorporation or some other reasonable means;
 - h. Site plan. See Article XIII (unless deemed unnecessary by the Zoning AdministratorCity Engineer); and
 - i. The type of wireless facilities or technology to be used by the applicant.
3. Applications for a Wireless Facilities Permit are not subject to the City's zoning or land use requirements, including design or placement requirements, or public hearing review.

4. Within forty-five (45) calendar days of receiving an application for a Wireless Facilities Permit, the Zoning Administrator City Engineer shall:
 - a. Review or cause the review of the application in light of its conformity with Chapters 505 and 510 of the Municipal Code of the City of Dardenne Prairie, recognized industry standards for structural safety, capacity, reliability, and engineering, and consistency with Sections 67.5090 to 67.5103, RSMo., and Sections 405.481 and 405.482 of this Chapter.
 - (1) An application is deemed to be complete unless the Zoning Administrator City Engineer notifies the applicant in writing, within fifteen (15) calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete.
 - (2) Upon receipt of a timely written notice that an application is deficient, an applicant may take fifteen (15) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within said period of fifteen (15) calendar days, the application shall be reviewed and processed within forty-five (45) calendar days from the initial date the application was received. If the applicant requires a period of time beyond fifteen (15) calendar days to cure the specific deficiencies, the forty-five-calendar-day deadline for the City to review the application shall be extended by the same period of time.
 - (3) The Administrative Officer may impose conditions on the Wireless Facilities Permit to insure that the application conforms with building permit requirements in Title V of the Municipal Code of the City of Dardenne Prairie, Chapter 510 of the Municipal Code of the City of Dardenne Prairie, recognized industry standards for structural safety, capacity, reliability, and engineering, and is consistent with Sections 67.5090 to 67.5103, RSMo.
 - b. Make its final decision to approve or disapprove the application; and

- c. Advise the applicant in writing of its final decision.
5. If the ~~Zoning Administrator City-Engineer~~ fails to act on an application for a Wireless Facilities Permit within the forty-five-calendar-day review period specified in Subsection (B)(4) of this Section, the application shall be deemed approved.
6. A party aggrieved by the final action of the ~~Zoning Administrator City-Engineer~~, either by the ~~Zoning Administrator City-Engineer~~ affirmatively denying an application under the provisions of this Section or by the ~~Zoning Administrator City-Engineer~~'s inaction, may bring an action for review in any court of competent jurisdiction within the State of Missouri.

SECTION 18. That Section 405.530 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.530 in its entirety and enacted, in lieu thereof, is a new Section 405.530, to read as follows:

Section 405.530. Regulations.

No temporary or uncompleted building, nor any automotive equipment, trailer, garage or appurtenances incident to a family dwelling, shall be erected, maintained or used for residential purposes, except where the exterior, kitchen, at least one (1) bathroom and more than fifty percent (50%) of the interior of a permanent residence have been completed, this regulation shall not apply. Temporary or outwardly incomplete buildings or structures, open excavation for a basement or foundation and buildings or structures so damaged as to become unfit for use of habitation shall not be permitted, maintained or remain in such condition for more than a time period to be stipulated by the ~~Zoning Administrator City-Engineer~~ as per the current City Building Code. No building material, construction equipment, machinery or refuse shall be stored, maintained or kept in the open upon any lot, tract or parcel other than in such zoning districts as permitted in this Chapter except during actual construction operations upon said premises or related premises.

SECTION 19. That Paragraph (3) of Subsection (B) of Section 405.560 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Paragraph (3) Subsection (B) in its entirety and enacted, in lieu thereof, is a new Paragraph (3) of Subsection (B) of Section 405.560, to read as follows:

Section 405.560. Installation, Maintenance and Enforcement.

...

- B. *Maintenance And Enforcement.* The trees, shrubs, fences, walls and other landscaping materials depicted on plans approved by the City shall be

considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan.

...

3. Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and his/her agent or agents shall be considered in violation of terms of the building or occupancy permit. The Zoning Administrator City Engineer or his/her designee is empowered to enforce the terms of this Chapter.

SECTION 20. That Section 405.575 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby enacting a new definition thereto, to read as follows:

Section 405.575 Definitions.

The following definitions shall apply in interpretation and enforcement of this Article, unless otherwise specifically stated:

...

ZONING ADMINISTRATOR

The City Administrator of the City of Dardenne Prairie, appointed pursuant to Chapter 115 of the Municipal Code, or any other person or persons designated by the City Administrator shall have the same meaning as set forth in Section 405.080 of this Code.

SECTION 21. That Subparagraph (c) of Paragraph (9) of Subsection (A) of Section 405.580 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subparagraph (c) of Paragraph (9) of Subsection (A) in its entirety and enacted, in lieu thereof, is a new Subparagraph (c) of Paragraph (9) of Subsection (A) of Section 405.580, to read as follows:

Section 405.580. Signs in Residential and All Other Districts.

- A. *Allowable Signs.* All signs must be located at least five (5) feet from the right-of-way and out of the sight triangle as shown on Figure 2 to this Chapter 405.

...

9. *Special displays and other temporary signs.*

...

- c. The following types of special displays and promotional signs are permitted subject to the following guidelines. In all cases they are to be maintained in good condition and if found otherwise, they are subject to immediate removal by order of the Zoning Administrator~~City Engineer~~.
- (1) *Banners*. Special displays using banners for promotional purposes will be permitted for a thirty (30) day time period per promotion.
 - (2) *Pennants*. Will be permitted for promotional purposes.
 - (3) *Flags in front of display homes*. Will only be permitted until the home is no longer used for display purposes.
 - (4) *Seasonal promotional signs*. One (1) sign no greater than six (6) square feet. These signs shall be displayed only during the hours of operation of the business. The sign shall be placed inside at the close of each business day.

SECTION 22. That Paragraph (3) of Subsection (A) of Section 405.605 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Paragraph (3) of Subsection (A) in its entirety and enacted, in lieu thereof, is a new Paragraph (3) of Subsection (A) of Section 405.605, to read as follows:

Section 405.605. Prohibited Signs.

- A. The following types of permanent signs shall be prohibited in the City of Dardenne Prairie:

...

3. Fluttering signs, pinwheels, pennants, streamers and banners except official government flags or street banners approved by the Zoning Administrator~~City Engineer~~ at the direction of the Board of Aldermen.

SECTION 23. That Subsections (A), (B), (C), (D), (H), (I), (J), and (M) of Section 405.615 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subsections (A), (B), (C), (D), (H), (I), (J), and (M) in their entirety and enacted, in lieu thereof, are new Subsections (A), (B), (C), (D), (H), (I), (J), and (M) of Section 405.615, to read as follows:

Section 405.615. Administration and Enforcement.

- A. *Administrator.* Except where herein otherwise stated, the provisions of this Article shall be administered by the ~~Zoning Administrator City Engineer or by deputies of his/her department as the Board of Aldermen may designate to enforce provisions of this Article.~~
1. The ~~Zoning Administrator City Engineer~~ (or his/her authorized representative) is hereby empowered in performance of its functions to enter upon any land in the City for the purpose of making inspections, examinations and surveys or to place and maintain thereon markers, notices or signs required to affect provisions of this Article. The above authorized person shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Section.
- B. *Duties Of The ~~Zoning Administrator City Engineer~~.* The ~~Zoning Administrator City Engineer~~ shall have the power to grant sign permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Article.
1. It shall be improper for the ~~Zoning Administrator City Engineer~~ to approve plans or issue any permits or certificates for any sign until he/she has inspected such plans in detail and found them to conform with this Article, nor shall the ~~Zoning Administrator City Engineer~~ vary or change any terms of this Article.
2. If the ~~Zoning Administrator City Engineer~~ shall find that any of the provisions of this Article are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and stating the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal signage; discontinuance of any illegal work being done; or shall take any other action authorized by this Article to insure compliance with or to prevent violation of its provisions.
- C. *Permit Required And Fees.* For freestanding pole or ground signs exceeding thirty-two (32) square feet of face on a side, it shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing or moving of any sign or sign structure or any portion thereof without first having applied in writing to the ~~Zoning Administrator City Engineer~~ for a sign permit to do so and a sign permit has been granted therefore. Primary responsibility for securing the necessary permits shall be the property owner's. However, if the property owner should contract part or all of the proposed work, it

shall become the responsibility of the person or firm hired to ensure that all required permits and approvals have been secured prior to any work being initiated.

1. Blank forms shall be provided by the Zoning Administrator City Engineer for the use of those applying for permits as provided in this Article. Any permits issued by the Zoning Administrator City Engineer shall be on standard forms for such purpose and furnished by the Board of Aldermen. There shall be a separate permit for each sign constructed, altered or erected.
2. Permit fees shall be charged for plan review and inspection at the one-time rate of two dollars (\$2.00) per square foot of sign face payable at the time of permit application.
3. Any sign permit under which no construction work has been commenced within six (6) months after the date of issuance of said permit or under which proposed construction has not been completed within one (1) year of the time of issuance shall expire by limitation.

D. *Voiding Of Sign Permit.* A permit may be revoked by the Zoning Administrator City Engineer at any time prior to the completion of the sign for which the same was issued, when it shall appear to him/her that there is departure from the plans, specifications or conditions as required under terms of the permit, that the same was procured by false representation or that any provisions of this Article are being violated. Written notice of such revocation shall be served upon the owner, his/her agent or contractor or upon any such person employed on the building or structure for which such permit was issued, via a stop work order, which shall be posted in a prominent location and thereafter no such construction shall proceed.

H. *Safety.* Any existing sign which is or becomes an immediate danger or hazard to persons or property because of being in an unsafe condition or which obstructs any fire escape, window or door is subject to immediate removal by the Zoning Administrator City Engineer without notice and at the expense of the property and/or sign owner.

I. *Maintenance.* All signs and sign supports shall be maintained in good repair so as to prevent rust, peeling, flaking or fading. Broken panels, missing letters, flaking or peeling paint and other visual damage to a sign shall be repaired within forty-five (45) days of the occurrence or within thirty (30) days' notification by the Zoning Administrator City Engineer.

- J. *Abandoned Signs.* Any sign or sign structure which advertises a business no longer conducted or service no longer rendered or a product no longer sold on the premises or lot shall be classified an abandoned sign and shall be removed by the owner, agent or person having beneficial use of the premises or lot upon which the sign is located within ten (10) days following written notice by the Zoning Administrator City Engineer concerning its removal.

- M. *Violations.* If it is found that a sign is in violation of this Article, the Zoning Administrator City Engineer or his/her designee shall give notice to the owner of the sign or, if the owner cannot be located, to the owner or property management agent of the premises on which the sign is located or, if the sign erection is not complete, to the sign erector, either personally, by United States Mail or by posting such a notice on the premises, such notice stating:

1. The violations found; and
2. The violations must be brought into compliance with requirements of this and all other City ordinances within ten (10) days from the date of such notice (for temporary signs the date of such notice shall constitute the first (1st) day of the thirty (30) day time period allowed by such signs; and
3. The requirements which must be met; and
4. Any person found to be in violation of any provision of this Article shall be prosecuted to the full extent of the law.

SECTION 24. That Subsection (A) of Section 405.625 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subsection (A) in its entirety and enacted, in lieu thereof, is a new Subsection (A) of Section 405.625, to read as follows:

Section 405.625. Appeals.

- A. Any aggrieved person, firm, corporation or any governmental officer, department, board or bureau may appeal a decision of the Zoning Administrator City Engineer before the Board of Adjustment.

SECTION 25. That Section 405.627 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.627 in its entirety and enacted, in lieu thereof, is a new Section 405.627, to read as follows:

Section 405.627. Master Sign Plan Submittals.

A. Notwithstanding any other provision of this Code to the contrary, a master sign plan may be submitted for approval by the Board of Aldermen for any proposed or existing property within a commercial or industrial zoning district within the High-Tech Corridor District.

1. Upon the submission of a master sign plan to the Zoning Administrator~~City Engineer~~, the criteria for signs provided for in this Article are no longer applicable. The reasons for the variation is because the purpose of a master sign plan is to provide for flexible sign criteria that promote superior design and are tailored to a specific development which may vary from general ordinance provisions, if it can be demonstrated that the proposed terms would encourage, promote and reward good architecture and urban planning.
2. When a master sign plan is submitted to the Zoning Administrator~~City Engineer~~, a completed master sign plan shall include the following:
 - a. Location, size, height, construction, material and placement of signs.
 - b. Illumination level, color and type. Illumination shall conform to the City of Dardenne Prairie lighting ordinance.
 - c. The number of proposed signs.
 - d. Elevations of all detached signs.
 - e. Dimensions, height, square footage of all existing signs or note that none exist for both freestanding and attached signs (submit picture of all existing signage).
 - f. Description of advertising copy or wording to be displayed on signs.
 - g. Material specifications for proposed signs including sign materials and colors.
 - h. Landscaping of detached signs.
 - i. A review fee as per the fee schedule for services, permit applications, plan reviews, inspections, rezonings and

conditional uses, which is on file in the office of the City Clerk.

- j. A list of all deviations from the location, size, height, construction, material and placement requirements otherwise provided for in this Article.

SECTION 26. That Section 405.630 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.630 in its entirety and enacted, in lieu thereof, is a new Section 405.630, to read as follows:

Section 405.630. Applicability.

Off-street parking and loading shall be provided as required in accordance with the regulations of this Article. Off-street parking and loading shall be adequate to meet demand in all cases and spaces shall be made available for use before the final inspection is completed by the ~~Zoning Administrator~~~~City Engineer~~. Existing off-street parking and loading spaces shall not be reduced below the minimums required in this Article. Any change in use of a building or lot which increases the off-street parking as required under this Article shall be unlawful and a violation of this Article until such time as the off-street parking and loading complies with the provisions of this Article.

SECTION 27. That Subsection (E) of Section 405.640 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subsection (E) in its entirety and enacted, in lieu thereof, is a new Subsection (E) of Section 405.640, to read as follows:

Section 405.640. Computing Off-Street Parking and Loading Requirements.

...

- E. *Unlisted Uses.* Upon receiving a development application for a use not specifically listed in the off-street parking schedule, the ~~Zoning Administrator~~~~City Engineer~~ shall apply the parking and loading requirements specified for the listed use that is deemed most similar to the use proposed in the application.

SECTION 28. That Paragraph (3) of Subsection (A) of Section 405.645 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Paragraph (3) of Subsection (A) in its entirety and enacted, in lieu thereof, is a new Paragraph (3) of Subsection (A) of Section 405.645, to read as follows:

Section 405.645. Off-Street Parking for Persons With Disabilities.

- A. A portion of the total number of required parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with disabilities.

3. *Location of spaces.* Required spaces for persons with disabilities shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path with a minimum width of three (3) feet. The ~~Zoning Administrator~~~~City Engineer~~ may require that off-street parking spaces provided for persons with disabilities be dispersed throughout the project if deemed necessary to ensure safe, convenient and accessible parking spaces for all users of the project.

SECTION 29. That Section 405.655 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.655 in its entirety and enacted, in lieu thereof, is a new Section 405.655, to read as follows:

Section 405.655. Shared Parking.

- A. The ~~Zoning Administrator~~~~City Engineer~~ may authorize a reduction in the number of required parking spaces for multiple use developments and for uses that are located near one another that have different peak parking demands and operating hours.
1. Up to fifty percent (50%) of the parking spaces required for:
- a. Theaters, public auditoriums, bowling centers, dance halls and nightclubs and up to one hundred percent (100%) of the parking spaces required for a church auditorium may be provided and used jointly by:
 - b. Banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a) and up to one hundred percent (100%) of parking spaces required for schools may be provided and used jointly by a church auditorium.
2. Shared parking shall be subject to the following standards:
- a. *Location.* Shared off-street parking spaces shall be located no further than three hundred (300) feet from the buildings and uses they are intended to serve.

Parking Angle	Stall Width (feet)	Stall Depth (feet)	Aisle Width (feet)
75 degrees (2-way aisle)	9	18.5	22
60 degrees (1-way aisle)	9	18	18
45 degrees (1-way aisle)	9	16.5	15
Parallel (1-way aisle)	22 (curb length)	8	12
Parallel (2-way aisle)	22 (curb length)	8	24

SECTION 31. That Section 405.685 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.685 in its entirety and enacted, in lieu thereof, is a new Section 405.685, to read as follows:

Section 405.685. Off-Street Loading Plans.

An off-street plan, prepared in a form established by the Zoning Administrator ~~City Engineer~~ and made available to the public, shall be submitted with each building permit application. The off-street loading plan shall serve as the basis for the Zoning Administrator ~~City Engineer~~'s determination of the adequacy of proposed off-street loading areas.

SECTION 32. That Section 405.765 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.765 in its entirety and enacted, in lieu thereof, is a new Section 405.765, to read as follows:

Section 405.765. Application and Fee.

- A. Any persons may file a request for a Site Plan review by the Planning and Zoning Commission and Board of Aldermen by filing with the Zoning Administrator ~~City Engineer~~ the completed application upon the forms provided and payment of the review fee in accordance with Section 405.965. The applicant shall submit two (2) copies of the proposed Site Plan and a completed Site Plan application form to the Zoning Administrator ~~City Engineer~~. Additional copies of the Site Plan shall be requested upon review by the Zoning Administrator ~~City Engineer~~. The Site Plan shall be prepared on sheets not to exceed twenty-four (24) inches by thirty-six (36) inches.

- B. The ~~Zoning Administrator~~~~City Engineer~~, upon receipt of such Site Plan, other necessary data and payment of the required fee, shall forthwith transmit the copies to the Planning and Zoning Commission and Board of Aldermen for their consideration per the current City of Dardenne Prairie submittal and meeting calendar which is on file at the office of the City Clerk. The Planning and Zoning Commission and Board of Aldermen shall undertake a study of same and shall approve, deny or set conditions on the Site Plan. Written notice will be sent to the applicant stating the time and place of review of the Site Plan by the Planning and Zoning Commission.

SECTION 33. That Section 405.770 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.770 in its entirety and enacted, in lieu thereof, is a new Section 405.770, to read as follows:

Section 405.770. Required Data for Site Plan.

- A. Every Site Plan submitted to the Planning and Zoning Commission and Board of Aldermen shall be in accordance with the requirements of this Section.
1. The Site Plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet and of such accuracy that the Planning and Zoning Commission and Board of Aldermen can readily interpret the plan and shall include more than one (1) drawing where required for clarity.
 2. The property shall be identified by lot lines and location, including dimensions, bearings, angles and size, correlated with the legal description of said property. The Site Plan shall be designed and prepared by a qualified land planner, registered professional architect, engineer or land surveyor. It shall also include the name and address of the property owner(s), developer(s) and designer(s) and their registration seal and signature.
 3. It shall show the scale, north point, boundary dimension, natural features such as woodlot, streams, rivers, lakes, drains, topography at least five (5) foot contour intervals (when terrain is irregular or drainage critical, contour interval shall be two (2) feet) and similar features.
 4. It shall show existing manmade features such as buildings, structures, easements, required setback, transition strip, high tension towers, pipelines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts and drains and shall

identify adjacent properties within three hundred (300) feet and their existing uses.

5. It shall show the location, proposed finished floor and proposed grade line elevations, size of proposed main and accessory buildings, their relation one to another and to any existing structures to remain on the site and the height of all buildings and structures as well as building elevations and materials proposed for the structures under consideration.
6. It shall show the proposed design and layout of streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lands, service parking and loading zones in conformance with the requirements set forth in Article XI.
7. It shall show the location and size of all existing utilities (public and private) serving the property as well as the location and size of all proposed utilities to serve the property. A note guaranteeing that all necessary utilities (public and private) will be available, functioning and usable at the time any stage of the project or the total project is ready for occupancy.
8. A landscape plan that meets the requirements of Article IX "Landscaping and Screening" shall be included as part of the Site Plans submitted.
9. Any proposed alterations to the topography and other natural features shall be indicated including required stormwater detention facilities.
10. The location, height and intensity of all exterior lighting.
11. The location and screening proposed for all trash collection areas.
12. Depict flood hazard boundaries as shown on FEMA maps.
13. An erosion/silt control plan.
14. Any other information deemed necessary by the Zoning Administrator, City Engineer, Planning and Zoning Commission and/or Board of Aldermen.
15. Provide a preliminary stormwater management plan pursuant to the requirements of Chapter 550 of this Code.

Note: All plans, architectural drawings, renderings or other materials or visual aids either submitted to the Commission and/or Board of Aldermen or presented at their meeting shall become the property of the City and part of the permanent record of any approval.

SECTION 34. That Section 405.790 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.790 in its entirety and enacted, in lieu thereof, is a new Section 405.790, to read as follows:

Section 405.790. Revision of Site Plan.

- A. A Site Plan may be amended or revised by the Planning and Zoning Commission or Board of Aldermen so far as the Planning and Zoning Commission or Board of Aldermen approved Site Plan is concerned for which the City ~~Engineer~~ has not issued a building permit or the work authorized under an issued building permit has not been completed. Such amendment shall be made upon application and in accordance with the procedure provided under Section 405.765 of this Chapter.
- B. Notwithstanding any other provision of this Section to the contrary, a Site Plan may be amended or revised by the Zoning Administrator ~~City Engineer~~—provided that, in the determination of the Zoning Administrator ~~City Engineer~~, such amendment or revision would not result in the following:
 - 1. A five percent (5%) change in floor area;
 - 2. An increase in traffic congestion;
 - 3. A change in the type or intensity of screening;
 - 4. A change in traffic or pedestrian access to the property(s) depicted on the Site Plan.

SECTION 35. That Section 405.800 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.800 in its entirety and enacted, in lieu thereof, is a new Section 405.800, to read as follows:

Section 405.800. Violations.

The filing of a Site Plan shall constitute an agreement by the owner and applicant, their heirs, successors and assigns that if the Site Plan is approved by the Board of Aldermen, permits issued for the improvement of such property and activities subsequent thereto shall be in conformance with the approved Site Plan for the property in question. The approved Site Plan shall have the full force and effect of the zoning ordinance. Any violations shall be grounds for the Zoning

Administrator City Engineer to issue stop work orders, withhold further permits and take all actions necessary for the assessment of all penalties and fines as permitted by law.

SECTION 36. That Section 405.810 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.810 in its entirety and enacted, in lieu thereof, is a new Section 405.810, to read as follows:

Section 405.810. Administration.

- A. Except where herein otherwise stated, the provisions of this Chapter shall be administered by the Zoning Administrator or by his/her designee, the City Engineer or by his/her designee, the City Code Enforcement Officer, the Director of Community Development or such other officer or officers as the Board of Aldermen may designate to enforce provisions of this Chapter.
- B. The Zoning Administrator (or his/her authorized representative), the City Engineer (or his/her authorized representative), and the City Code Enforcement Officer and the Director of Community Development are hereby empowered in performance of its functions to enter upon any land in the City for the purpose of making inspections, examinations and surveys or to place and maintain thereon markers, notices or signs required to effect provisions of this Chapter. The above-authorized person shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Section.

SECTION 37. That Section 405.815 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.815 in its entirety and enacted, in lieu thereof, is a new Section 405.815, to read as follows:

Section 405.815. Duties of the Zoning Administrator City Engineer.

- A. The Zoning Administrator City Engineer shall have the power to grant certificates of zoning compliance, building permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Chapter.
- B. It shall be improper for the Zoning Administrator City Engineer to approve plans or issue any permits or certificates for any excavation or construction until he/she has inspected such plans in detail and found them to conform with this Chapter, nor shall the Zoning Administrator City Engineer vary or change any terms of this Chapter.
- C. If the Zoning Administrator City Engineer shall find that any of the provisions of this Chapter are being violated, he/she shall notify in writing

the person responsible for such violations, indicating the nature of the violation and stating the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings, structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Chapter to insure compliance with or to prevent violation of its provisions.

SECTION 38. That Section 405.820 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.820 in its entirety and enacted, in lieu thereof, is a new Section 405.820, to read as follows:

Section 405.820. Certificates of Zoning Compliance.

- A. The ~~Zoning Administrator~~ ~~City Engineer~~ shall require that all applications for certificates of zoning compliance shall be accompanied by plans and specifications including a plot plan for the site in duplicate drawn to scale. The City Engineer shall retain the original copy for his/her files.
- B. The certificate of zoning compliance signifies that, in the opinion of the ~~Zoning Administrator~~ ~~City Engineer~~, the existing or intended use, building or structure complies with all provisions of this Chapter.
- C. It shall be unlawful to change a type of use of land, to change the type of use or occupancy of any building or structure or to extend any use on any lot on which there is a non-conforming use of structure until a certificate of zoning compliance has been issued. Where a building permit is required, application for a certificate of zoning compliance shall accompany or precede the application for a building permit. (In all other cases in which a building permit is not required, the application for a certificate of zoning compliance shall be made prior to the date when a new or enlarged use of a building or lot or part thereof is intended to begin.)
- D. Applications for certificates of zoning compliance shall be made to the ~~Zoning Administrator~~ ~~City Engineer~~.

SECTION 39. That Subsection (A) of Section 405.845 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subsection (A) in its entirety and enacted, in lieu thereof, is a new Subsection (A) of Section 405.845, to read as follows:

Section 405.845. Violation and Penalty.

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of Sections 89.010 to 89.140, RSMo., or this Chapter or other

regulation made under authority conferred hereby, the Board of Aldermen, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. Such regulations shall be enforced by the Zoning Administrator ~~City Engineer or and such other person or persons designated by the City Administrator his designee who is-areis~~ hereby empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this Chapter or regulations made under authority of Sections 89.010 to 89.140, RSMo.

SECTION 40. That Section 405.865 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.865 in its entirety and enacted, in lieu thereof, is a new Section 405.865, to read as follows:

Section 405.865. Information Required in Amendment Procedure.

- A. A petition for change of zoning shall be signed by all the owners of the property to be affected or by their agent or agents having authority to sign the petition on their behalf. The petition shall be submitted to the Zoning Administrator ~~City Engineer~~ at least thirty (30) days prior to the Commission meeting at which it may be first considered and shall contain or be submitted concurrently with the following information:
1. A legal description of the property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format;
 2. A scaled map of such property correlated with the legal description and clearly showing the property's location;
 3. The names and addresses of all the owners of such property and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds proving such ownership;
 4. The date of filing with the Planning and Zoning Commission;
 5. The present zoning, proposed change of zoning and proposed use of such property;
 6. The names and addresses of all the owners of all the parcels of property within one hundred eighty-five (185) feet of such property. In addition, and as a separate document, the names and

mailing addresses of property owner(s) of the property(ies) included in the proposed zoning amendment or property within an area determined by lines drawn parallel to and three hundred (300) feet distant from the boundaries of the property(ies) to be affected; and

7. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information. If the owner(s) of the property or the petitioner(s) are a trust or business entity, then proof of the authority of the party executing the petition must be provided by way of resolution, minutes, bylaws, articles of incorporation or some other reasonable means.

SECTION 41. That Section 405.905 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 405.905 in its entirety and enacted, in lieu thereof, is a new Section 405.905, to read as follows:

Section 405.905. Meetings.

Meetings shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. Such Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the City ~~Engineer-Clerk~~ and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a court reporter utilized by the Board of Adjustment for that purpose.

SECTION 42. That Subsection (B) of Section 410.070 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subsection (B) in its entirety and enacted, in lieu thereof, is a new Subsection (B) of Section 410.070, to read as follows:

Section 410.070. Display House Plat.

...

- B. The developer may, after receiving approval of a preliminary plat of a proposed subdivision from the Planning and Zoning Commission, submit a display house plat to the ~~Zoning Administrator City Engineer~~ for review for every ten (10) houses proposed, not to exceed ten (10) display houses. The display house plat shall be on sheets not greater than twenty-four (24) by thirty-six (36) inches and include a complete outboundary survey of the proposed subdivision and the location of each display house in relation to proposed lots. The script of said display house plat shall contain terms and

conditions as required by the Planning Department including, but not limited, to the following:

1. The display house plat shall be filed with the City of Dardenne Prairie prior to issuance of a building permit for any display house;
2. The display house plat shall become null and void upon the recording of a record plat which establishes that each display house is on an approved lot;
3. No part of the proposed subdivision may be conveyed for any structure therein until the display house or houses have been located in an approved and recorded lot;
4. If initial construction of a display house has not commenced within ninety (90) days, the ~~Zoning Administrator~~~~City Engineer's~~ approval shall lapse and the display house plat shall be null and void;
5. The filing fee shall be per the fee schedule for services, permit applications, plan reviews, inspections, rezonings and conditional uses, which is on file in the office of the City Clerk.
6. All permanent structures shall be located on an approved subdivided lot by means of a record plat within one (1) year of the display house plat approval or such longer period as may be permitted by the ~~Zoning Administrator~~~~City Engineer~~. If the record plat is not approved and recorded at the St. Charles County Recorder of Deeds office within the one (1) year period referred to above, the then owner shall remove or cause to be removed all structures from the property. Failure of the then owner to remove all structures from the property with ten (10) days of the end of the one (1) year period referred to above shall constitute a violation of this Chapter.

SECTION 43. That Section 410.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 410.080 in its entirety and enacted, in lieu thereof, is a new Section 410.080, to read as follows:

Section 410.080. Grading Permit Process.

- A. Any development greater than ten thousand (10,000) square feet or requiring the preparation of complete improvement plans in accordance with this Chapter as determined by the ~~Zoning Administrator~~~~City Engineer~~ shall be required to obtain a grading permit from the City of Dardenne Prairie. Once the preliminary plat or PUD Area Plan has been approved by the Planning and Zoning Commission, the grading permit

process shall be as described herein. Grading plans may be submitted to the ~~Zoning Administrator City Engineer~~ as part of the improvement plans or separately prior to the submission of improvement plans; however, a grading permit shall be submitted and processed in either case.

B. *Filing Procedures.* The applicant shall submit two (2) copies of the proposed grading plan and a completed application form to the ~~Zoning Administrator City Engineer~~. Additional copies shall be requested upon review by the ~~Zoning Administrator City Engineer~~. The grading plan shall be on sheets not greater than twenty-four (24) by thirty-six (36) inches.

C. *Information Required.* The following information is required for all grading plan submittals for approval. The required information may be combined for presentation on one (1) or more drawings or maps. In the interests of clarity, speed and efficiency in the review process, the ~~Zoning Administrator City Engineer~~ may request that information in addition to the grading plan be presented on drawings or maps. In all cases, the grading plan submission must minimally include the following:

1. The grading plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet and of such accuracy that the ~~Zoning Administrator City Engineer~~ can readily interpret the plan and shall include more than one (1) drawing where required for clarity.
2. The property is identified by lot lines and location, including dimensions, angles and size, correlated with the legal description of said property. The grading plan shall be designed and prepared by a qualified land planner, registered professional architect and engineer or land surveyor. It shall also include the name and address of the property owner(s), developer(s) and designer(s).
3. It shall show the scale, north point, boundary dimensions, natural features such as woodlots, streams, rivers, lakes, drains, topography (at least five (5) foot contours intervals; when terrain is irregular or drainage critical, contour interval shall be at least two (2) foot) and similar features. All topographic data shall directly relate to U.S.G.S. datum.
4. It shall show existing manmade features such as buildings, structures, easements, high tension towers, pipelines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts and drains and shall identify adjacent properties within three hundred (300) feet and their existing uses.
5. Any proposed alterations to the topography or other natural features are indicated.

6. All filled places under proposed storm and sanitary sewer lines, building areas and/or paved areas and stormwater detention basin berms shall be compacted to ninety percent (90%) of maximum density as determined by the Modified AASHTO T-180 Compaction Test or ninety-five percent (95%) of maximum density as determined by the Standard Proctor Test AASHTO T-99.
7. All fill placed in proposed roads areas shall be compacted from the bottom of the fill up to ninety percent (90%) of maximum density as determined by the Modified AASHTO T-180 Compaction Test or ninety-five percent (95%) of maximum density as determined by the Standard Proctor Test AASHTO T-99. All tests shall be verified by a soils engineer concurrent with grading and backfilling operations.
8. A sediment and erosion control plan. The sediment control plan must be implemented in accordance with the land disturbance permit issued for the proposed grading activities pursuant to Chapter 412.
9. Development along natural watercourses shall have residential lot lines, commercial or industrial improvements, parking areas or driveways set back a minimum of twenty-five (25) feet from the top of existing stream bank or fifteen-year, twenty-minute water surface elevation, where no defined bank exists. The watercourse and twenty-five-foot setback area shall be maintained and made the responsibility of the subdivision trustees. Residential lots having an area of one (1) acre or greater shall be exempt from this regulation if the stream bank is not erosive. In the case of a site plan, commercial or industrial site, the watercourse and twenty-five-foot setback area shall be maintained and made the responsibility of the property owner. Permanent native vegetation and existing ground elevation and grades within the twenty-five-foot setback shall be left intact and undisturbed. Variances will include designed stream bank erosion control measures and shall be approved by the appropriate government agency, which has jurisdiction over the land and/or development in question. FEMA and United States Army Corps of Engineers' guidelines shall be followed where applicable regarding site development areas designated as floodplains and wetlands.
10. Retaining walls that exceed a height of thirty (30) inches shall require the construction of permanent safety guards at the top of the wall. Safety guards shall be constructed as identified in the appropriate Section(s) of the adopted building codes pertaining to open-sided walking surfaces or created by installing and

maintaining a barrier comprised of dense vegetation that is at least forty-two (42) inches tall and approved by the Code Enforcement Officer of the City.

- D. The Zoning Administrator City Engineer is authorized to promulgate rules and regulations for erosion and sediment management practices not inconsistent with the grading standards herein contained.
- E. A grading permit shall be issued and shall remain in force only upon compliance with the following requirements:
1. *Surface waters — damage.* Adequate provision shall be made to prevent surface waters from damaging the cut face of an excavation or the sloping surface of a hill.
 2. *Retaining walls — cribbing.* Retaining walls or cribbing shall be required whenever necessary to prevent the surface of any excavation or fill from exceeding at any point the maximum allowable slopes as set forth herein.
 3. *Drainage.* All drainage provisions shall be of such design to carry surface waters to the nearest practical storm drain, natural watercourse or street as approved by the Zoning Administrator City Engineer or his/her designee as a suitable place to deposit and receive such waters.
 4. *Protection of streets/property.* No excavation shall be made so close to the property line to endanger any adjoining public or private street without supporting and protecting such public or private street or property from settling, cracking or other damage.
 5. *Fill/location.* No fill shall be made so as to cause or to allow the same to be deposited upon or to roll, flow or wash upon or over the premises so affected; or upon or over any public street, walk, place or way; nor so close to the top of a bank of a channel as to create the possibility of bank failure and sliding. At a minimum, a setback of twenty-five (25) feet shall be provided as a buffer to sensitive areas.
 6. *Materials.* Materials for fills shall consist of material obtained from excavation of cut areas, borrow pits or other approved source. Material shall be free of vegetative matter and deleterious material and shall not contain rocks in excess of six (6) inches in diameter, where compacted by rollers or other mechanical equipment.

7. *Minimum standards.* Minimum standards of excavations and fills shall be as follows; however, more stringent standards may be required based on site conditions:
- a. The adjoining ground to development sites (lots) shall be provided with protection from accelerated and increased surface water, silt from erosion, and any other consequences of erosion. Runoff water from developed areas (parking lots, paved sites and buildings) above the area to be developed shall be directed to diversions, detention basins, concrete gutters and/or underground outlet systems.
 - b. Federal Emergency Management Agency (FEMA) and U.S. Army Corps of Engineers guidelines shall be followed where applicable regarding site development areas designated as floodplains and wetlands.
 - c. All lots shall be seeded and mulched or sodded before an occupancy permit shall be issued, except that a temporary occupancy permit may be issued by the Building Department in cases of undue hardship because of unfavorable ground conditions.
8. *Compaction.* All fills intended to support buildings or structures or sewers and conduits shall be compacted to a minimum of ninety percent (90%) compaction as determined by Modified Proctor, ASTM D-1557, unless a lesser percent is recommended to and approved by the Zoning Administrator City Engineer or his/her designee. Compaction of greater than ninety percent (90%) may be required where special conditions dictate (i.e., large structures, dams). Compaction of fills for buildings or structures must be certified by a registered professional engineer. Compaction of other fills shall be required where necessary as a safety measure to aid in preventing the saturation, slipping or erosion of the fill. The requirements of the Zoning Administrator City Engineer or his/her designee for the compaction of fills shall include, but shall not be limited to, the following:
- a. Areas to be graded by cutting or filling shall be rough graded to within two-tenths (2/10) of a foot of accepted elevation after allowance has been made for thickness of topsoil, paved areas and other installations.
 - b. The natural ground surface shall be prepared by removing topsoil and vegetation and by compacting the fill upon a

series of terraces. Hillside or slope fills shall require plowing or scarification of original ground.

- c. Grading on slopes will require silt control at intermediate levels to slow surface water, prevent rutting and decrease erosion.
 - d. Grading sites will require silting basins pursuant to erosion and sediment control practices to prevent mud from washing onto adjacent properties.
 - e. If fill material moisture content is below the requirement for compacting to maximum practical density, water in the proper amount shall be added. If moisture content is too great, fill material shall be aerated by blading or other satisfactory methods to reduce moisture content.
 - f. Frozen materials or soft, mucky, friable, easily compressible materials shall not be incorporated in fills intended to support buildings, structures, sewers or conduits, or in the embanked ends of fills. Fill material shall not be placed, spread or rolled while the ground is frozen or thawing.
 - g. The maximum uncompacted thickness of layers of the fill to be compacted shall not exceed eight (8) inches.
 - h. Compaction shall be by tamping, sheeps foot rollers, multiple wheel pneumatic or other approved methods. Rolling shall be continuous until the desired maximum density is obtained.
 - i. Density of the proposed fill(s) shall be submitted with the grading permit application for approval by the Zoning Administrator City Engineer or his/her designee.
 - j. Topsoil disturbed by grading or building operations if stripped and piled for storage shall be stored only in an amount necessary to complete finished grading.
9. Removal of timber, rubbish, logs, trees, brush, vegetative matter and rubbish of any description shall be removed and disposed of so as to leave the disturbed area with a neat and finished appearance. Timber, rubbish, logs, trees, brush, vegetative matter and rubbish of any description shall be removed to the following depths:
- | | |
|-----------------|-----------------------------|
| Paved areas | 2 feet below subgrade |
| Non-paved areas | 2 feet below finished grade |

Solid rock, shale or similar materials shall be removed to a depth of fifteen (15) inches below subgrade for paved area and two (2) feet below finish grade for lawn area except where it is impractical because of rock outcropping. Burning of material shall fall under compliance of State Department of Natural Resources and local fire protection district regulations.

- F. *Review Procedures.* The ~~Zoning Administrator City Engineer~~ shall review the grading plan for its conformance to standards and specifications set forth in this Chapter and other applicable ordinances. The ~~Zoning Administrator City Engineer~~ may request modifications in the grading plan. The ~~Zoning Administrator City Engineer~~ shall then confer approval, conditional approval or disapproval of the grading plan within forty-five (45) days of filing and shall notify the applicant with written reasons for its action.
- G. *Effect Of Grading Plan Approval.* Grading plan approval shall confer upon the developer, for a period of one (1) year from date of approval, the conditional right that the general terms and conditions under which the approval was granted will not be changed by the ~~Zoning Administrator City Engineer~~. This one (1) year period may be extended by the ~~Zoning Administrator City Engineer~~ if the developer has applied in writing for such an extension and the ~~Zoning Administrator City Engineer~~ determines a longer period should be granted due to unusual circumstances. If an extension is not granted, the grading plan approval is null and void. After approval of the grading plan, the developer may proceed with the grading operations upon the final direction of the ~~Zoning Administrator City Engineer~~.
- H. Inspections shall be made by the ~~Zoning Administrator City Engineer~~ or his/her designate during each stage of fill operations and final approval shall be required upon completion of operations. Applicant shall notify the City of the following:
1. Commencement of grading.
 2. Completion of rough grading.
 3. Completion of finish grading.
 4. Completion of all re-establishment of ground cover and construction work, which disturb ground cover.

SECTION 44. That Subsection (B) of Section 410.090 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subsection

(B) in its entirety and enacted, in lieu thereof, is a new Subsection (B) of Section 410.090, to read as follows:

Section 410.090. As-Built Plans.

- ...
- B.** Two (2) paper sets and one (1) digital copy in AutoCAD format of the "as-built" plans on sheets not greater than twenty-four (24) by thirty-six (36) inches shall be submitted to the Zoning Administrator City-Engineer before the City shall release the escrow established insuring or guaranteeing the stabilization and revegetation of the site as described in Section 410.100 below.

SECTION 45. That Section 410.120 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 410.120 in its entirety and enacted, in lieu thereof, is a new Section 410.120, to read as follows:

Section 410.120. Improvement Plans and Installation.

- A.** After the preliminary plat is approved by the Planning and Zoning Commission, improvement plans prepared by an engineer for the subdivision of all or any part of the tract shall be submitted to the Zoning Administrator City-Engineer for review and approval. If significant changes are to be made after the improvement plans have been approved, the Planning and Zoning Commission shall require that revised improvement plans be submitted. The applicant shall submit two (2) copies of the proposed improvement plans and a completed construction permit application form to the Zoning Administrator City-Engineer. Additional copies shall be requested upon review by the Zoning Administrator City-Engineer. Improvement plans shall be prepared on an exhibit not to exceed twenty-four (24) inches by thirty-six (36) inches and shall contain the following information:
1. Title page, which shall include key map showing the relationship of the area to be subdivided to the tract and which shall reflect areas of the tract previously subdivided plus adjacent streets.
 2. North arrow and graphic scale.
 3. Title block showing name and address of developer and engineering firm, as well as the engineer's seal.
 4. One (1) or more bench marks, U.S.G.S. or M.H.T.D. or others in or near the subdivision to which the subdivision is referenced. No assumed elevations will be accepted.

5. List of standards and specifications followed, citing volume, section, page or other references.
6. Paving details conforming to St. Charles County Standard Specifications.
7. Details of streets, existing and proposed sanitary sewers, storm sewers and water mains, drainage channels and swales.
8. Plans and profiles of streets and sewers scaled not less than one (1) inch equals fifty (50) feet horizontal and one (1) inch equals ten (10) feet vertical.
9. Plans for sediment control will be submitted to and approved by the Zoning Administrator~~City Engineer~~. A dollar amount equal to the proposed cost will be included in the performance guarantee.
10. Actual construction of such facilities and improvements may commence prior to final plat approval if the detailed improvement plans have been approved by the Zoning Administrator~~City Engineer~~, provided that such facilities and improvements will be inspected throughout their construction. Final plat approval will be contingent, in part, upon acceptable compliance to County improvement and facility standards.
11. After approval of the construction plans, a breakdown of quantities and either estimated costs or actual prices on all public improvements shall be submitted for review and approval if any escrow agreements are required.
12. Approvals need to be received by the Zoning Administrator~~City Engineer~~ for water and sanitary sewer plans and for proposed crossing of pipelines.

SECTION 46. That Section 410.130 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 410.130 in its entirety and enacted, in lieu thereof, is a new Section 410.130, to read as follows:

Section 410.130. Public Improvements Installed or Guaranteed.

- A. *Improvement Guarantee Required.* After the improvement plans have been approved and all inspection fees paid, but before approval of the record subdivision plat, the developer shall guarantee the completion of improvements required by the approved improvement plans ("required improvements") and guarantee maintenance of such improvements as required herein. Except as provided in Subsection (B), the developer shall either:

1. Complete the improvements in accordance with the approved improvement plans under the observation and inspection of the appropriate public agency and establish a maintenance agreement and provide a deposit to guarantee maintenance of such improvements as required herein; or
2. Establish a deposit under a deposit agreement with the City of Dardenne Prairie guaranteeing the construction, completion and installation ("construction deposit") and a separate deposit amount for maintenance obligations ("maintenance deposit") as required herein and for the improvements shown on the approved improvement plans within the improvement completion period approved by the Zoning Administrator~~City Engineer~~, which shall not exceed two (2) years.

B. *Exceptions.*

1. No guarantee or deposit is required with the City for sanitary sewers, waterlines or other public improvements required by another political subdivision of this State if such political subdivision confirms that its requirements for assurance of completion are satisfied. This provision shall not affect the intent or enforcement of any existing guarantee, escrow or renewal, extension or replacement thereof.
2. The Zoning Administrator~~City Engineer~~ may require any specific improvement to be installed prior to approval of the record plat where failure to install such improvement prior to further development could result in damage to the site or surrounding properties.

C. *Deposit Options.* Deposits required by this Section shall be in conjunction with a deposit agreement and may be in the form of cash or letter of credit as follows:

1. Cash deposited with the City Clerk to be held in an interest-bearing account dedicated for that purpose, with all interest accruing to the City to offset administrative and other costs of maintaining the cash deposits;
2. An irrevocable letter of credit drawn on a local financial institution meeting the requirements of this Subsection (C)(2), and acceptable to and in a form approved by the City Attorney~~and the City Engineer~~.
 - a. The instrument may not be drawn on any financial institution with whom the developer or a related entity has

any ownership interest or with whom there is any joint financial connection that creates any actual or potential lack of independence between the institution and the developer.

- b. As a condition to the acceptance of the irrevocable letter of credit by the City, the financial institution must certify to the City ~~Engineer~~, in writing, that it was assigned a composite rating of either "1" or "2" under the Uniform Financial Institutions Rating System ("UFIRS"), as set forth in 62 FR 752-01, as amended, in the most recent examination of such financial institution's financial condition and operations by an appropriate agency of the United States Government. The financial institution need not explicitly disclose its composite rating; it need only disclose that it was assigned a composite rating meeting the requirements of this Subsection (C)(2)(b).
- c. Subsequent to issuing an irrevocable letter of credit and during the entire term thereof, any financial institution issuing an irrevocable letter of credit to the benefit of the City pursuant to this Section 410.130 shall maintain a composite rating of "1" or "2." If prior to release of such letter of credit such financial institution is assigned a composite rating of "3," "4" or "5" under the UFIRS by an appropriate agency of the United States Government, the financial institution must notify the developer and the City ~~Engineer~~, in writing, that it no longer complies with this Subsection (C). Upon receipt of such notice, or written notice from the City to the financial institution and the developer upon the City's discovery that the financial institution no longer complies with the requirements of this Subsection (C), the developer must establish a replacement guarantee or deposit with the City, guaranteeing improvements pursuant to the provisions of this Section 410.130. If the developer fails to establish a replacement guarantee or deposit within thirty (30) days from the developer's receipt of notice required herein, the Zoning Administrator ~~City-Engineer~~ shall declare the developer to be in default, and the City shall be entitled to any remedies available to it under this Section 410.130.
- d. The letter of credit shall provide that the issuing institution will pay on demand to the City such amounts as the City may require to fulfill the obligations herein and may be reduced from time to time by a writing of the Zoning Administrator ~~City-Engineer~~. The letter of credit shall be irrevocable for at least one (1) year and shall state that any

balance remaining at the expiration shall automatically be deposited in cash with the City Clerk, unless a new letter of credit is issued and agreed to by the City or the City issues to the institution a written release of the obligations for which the letter of credit was deposited. The developer shall pay a non-refundable fee of two hundred dollars (\$200.00) to the City with submission of a letter of credit and one hundred dollars (\$100.00) for any amendment or extension thereto to partially reimburse the City's administration and review costs in accepting and maintaining such letter of credit.

3. Due to the costs of administering deposit guarantees/escrows and the compliance with changing State regulations relating thereto, any developer that elects to use a construction escrow in lieu of completing the improvements, as otherwise provided for in this Chapter and Section 89.410, RSMo., shall deposit an additional fee of five hundred dollars (\$500.00) that shall be used by the City to defray costs of administration, legal costs, procedural changes, and other costs not otherwise reimbursed to the City resulting from the City's acceptance of such deposit guarantees. The developer shall be obligated to reimburse the City for any additional costs, including, but not limited to, reasonable attorneys' fees, above such deposit amount arising in any way from the City's acceptance of a deposit/escrow in lieu of completion of improvements. The developer may request a refund of any principal amounts, if any, of any initial or supplemented deposit above the costs attributable to the development during the period of the escrow by written request made within thirty (30) days after the developer has received a City approval of all categories of improvements subject to such escrow.

D. *Amount Of Deposit.* The amount of the deposit required shall be calculated as follows:

1. *Construction deposit.* The deposit required of a developer establishing a deposit agreement pursuant to Subsection (A)(2) shall be, in addition to the separate maintenance deposit sum, in the amount of one hundred ten percent (110%) of the Zoning Administrator~~City—Engineer's~~ estimate of the cost of the construction, completion and installation of the required improvements. The Zoning Administrator~~City—Engineer~~ shall adopt, to the extent practical, schedules reflecting current cost estimates of typically required improvements.
2. *Maintenance deposit.* The deposit required of a developer pursuant to Subsections (A)(1) and (A)(2) for maintenance obligations shall

be in the amount of ten percent (10%) of the Zoning Administrator City Engineer's estimate of the cost of the construction, completion and installation of the required improvements. The maintenance deposit shall be established by cash sum or submission of a separate letter of credit meeting the requirements of Subsection (C)(2).

3. Where certain improvements are required to be installed prior to approval of the record plat pursuant to Subsection (B)(2), the gross deposit amount for the construction deposits shall be reduced by the estimated cost of such improvements.

E. *Deposit Agreement — Releases.* The deposit agreement shall be entered into with the City of Dardenne Prairie, shall require the developer to agree to fulfill the obligations imposed by this Section and shall have such other terms as the City Attorney may require consistent with this Section. The agreement shall authorize the Zoning Administrator City Engineer to release the cash or reduce the obligation secured under the letter of credit as permitted herein. Such releases or reductions may occur upon completion, inspection and approval by the Zoning Administrator City Engineer of all required improvements within a category of improvements or may occur from time to time as work on specific improvements is completed, inspected and approved, provided, however, that:

1. *Releases — general.* The developer shall submit a written request for approval of release of the cash or the letter of credit as to all or any part of the developer's obligation only after construction, completion and installation of some phase of work on the improvements indicated on the approved improvement plans, receipt of requisite written notification from the appropriate inspecting public authority and approval by the Zoning Administrator City Engineer and only in the amounts permitted herein.
2. *Extension of completion period.* If, at the end of the improvement completion period, all the improvements shown on the approved improvement plans have not been completed, the developer may request and the Zoning Administrator City Engineer may grant an extension to the improvement completion period for a period of up to two (2) years if after review by the Zoning Administrator City Engineer such longer period is deemed necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds or other public improvements, facilities or requirements, so long as all guarantees are extended and approved by the City Attorney; provided, that the Zoning Administrator City Engineer may require as a condition of the extension execution of a new agreement, recalculation of

deposit amounts or satisfaction of new code requirements or other reasonable conditions as may be needed to ensure that the extended agreement fully complies with the terms of this Section.

3. *Construction deposit releases.* After an inspection of any specific improvements, the Board of Aldermen may, upon a recommendation from the Zoning Administrator~~City Engineer~~, release up to ninety-five percent (95%) of the original sum deposited for the construction of such specific required improvements. Irrespective of any discretionary prior releases that may be authorized after completion of any component of the guaranteed improvements (i.e., less than all of the improvements in a given category), the remaining amount held for any category of improvements for the entire subdivision shall be released within thirty (30) days of completion of all of the improvements in such category of improvement, minus a retention of five percent (5%) which shall be released only upon completion of all improvements for the subdivision. The Zoning Administrator ~~City Engineer~~ shall establish the improvement categories, which may consist of improvement components or line items, to be utilized for calculation of deposit amounts, but such categories, components and line items shall in no way modify or reduce the developer's guarantee as to all required improvements, irrespective of any release or completion of any category or underlying component or line item. All improvements in a category shall be deemed complete only when:

- a. Each and every component and line item within a category for the entire subdivision has been constructed and completed as required;
- b. The developer has notified the Zoning Administrator ~~City Engineer~~ in writing of the completion of all components of the category, provided all necessary or requested documentation and requests an inspection;
- c. The developer is not in default or in breach of any obligation to the City under this Section, including, but not limited to, the Zoning Administrator~~City Engineer~~'s demand for maintenance or for deposit of additional sums for the subdivision;
- d. The inspection has been completed and the results of the inspection have been approved in writing by the Zoning Administrator~~City Engineer~~.

4. Releases of the maintenance deposit amounts shall be as provided elsewhere in this Section for maintenance deposits.
5. *Effect of release — continuing obligations.* The developer shall continue to be responsible for defects, deficiencies and damage to public streets and other required improvements during development of the subdivision. No inspection approval or release of funds from the construction deposit as to any component or category shall be deemed to be City approval of improvement or otherwise release the developer of its obligation relating to the completion of the improvements until the final subdivision release on all improvements and maintenance is issued declaring that all improvements have in fact been constructed as required. Inspection and approval of any or all required improvements shall not constitute acceptance of the improvement by the City as a public improvement for which the City shall bear any responsibility.
6. *Deficient improvements.* No approval of required improvements shall be granted for improvements that fail to meet the specifications established herein or otherwise adopted by the Zoning Administrator~~City Engineer~~.
7. *Final construction deposit release.* Upon final inspection and approval of all required improvements, the remaining amount of the construction deposit shall be released; provided, that no such funds shall be released on a final inspection until the development of the subdivision is complete as determined by the Zoning Administrator~~City Engineer~~.
8. *Appeals.* If the developer believes that a release or certificate of completion has been improperly denied, including, but not limited to, under Subsection (E) or (F), an appeal shall be filed with the City Administrator, and no such denial shall be deemed final until the City Administrator has ruled on the appeal, which ruling shall be no later than thirty (30) days after the date of receipt of the appeal by the City Administrator.
9. *Inspection Requests.*
 - a. The Zoning Administrator ~~City Engineer or his/her authorized designee~~ shall inspect each category of improvement or utility work within twenty (20) business days after an inspection request for such inspection has been filed with the Zoning Administrator ~~City Engineer~~ by the developer, and no inspection shall be required until such an inspection request is received by the Zoning Administrator~~City Engineer~~. For purposes of this Section,

an "inspection request" shall constitute and occur only on a completed written request on a form that shall include:

- (1) The category of improvement or utility work reflected in the deposit agreement that is requested to be inspected;
- (2) A certification from a professional engineer registered in the State of Missouri that the category of improvement or utility work has been installed, and, on the date of inspection ~~application request~~, is maintained, and is in conformance with the final approved improvement plans and all applicable requirements thereto and is therefore ready for inspection; ~~and~~
- (3) A verified statement from the representative officer of the developer attesting that the information in the inspection request is true and accurate; ~~and~~
- (4) If an additional inspection, the fee required in subsection (E)(9)(c) of this section.

b. Nothing herein shall preclude the Zoning Administrator ~~or his/her authorized designee~~ City Engineer from completing additional inspections at its discretion or as a courtesy to the developer.

c. If upon an inspection required to be made by this Section the Zoning Administrator or his/her authorized designee finds that the category of improvement or utility work requested to be inspected pursuant to an inspection request has not been installed, or, on the date of the inspection request, was not maintained, or is not in conformance with the final approved improvement plans and all applicable requirements thereto, then the Zoning Administrator or his/her authorized designee shall transmit or cause to be transmitted to the developer a written notice which shall specify the defect(s) or violation(s), or both, as the case may be, and shall identify the action required to remedy such defect(s) or violation(s), or both, in order for the developer to complete such category of improvement or utility work and to bring such category of improvement or utility work into conformance with the final approved improvement plans and all applicable requirements thereto. If a defect or violation is found, the developer shall be given a reasonable length of time to remedy such defect(s)

or violation(s), or both, as the case may be, to complete such category of improvement or utility work and to bring the same into conformance with the final approved improvement plans and all applicable requirements thereto prior to reinspection.

(1) One (1) free reinspection shall be provided for each initial reinspection of a category of improvement or utility work subject to an initial inspection request that resulted in a finding that such category of improvement or utility work had not been installed, or, on the date of such initial inspection request, was not maintained, or was not in conformance with the final approved improvement plans and all applicable requirements thereto. Such initial reinspection shall be made by the Zoning Administrator or his/her authorized designee within twenty (20) business days after an inspection request for such initial reinspection has been filed with the Zoning Administrator by the developer; provided, however, that no reinspection of such category of improvement or utility work shall be required to be made until an inspection request for such initial reinspection has been received by the Zoning Administrator. Thereafter, the developer shall be charged, and there shall be paid and collected by the City, a reinspection fee of fifty dollars (\$50.00) for each additional reinspection performed by the Zoning Administrator or his/her authorized designee, subsequent to an inspection and initial reinspection, of a category of improvement or utility work required because such category of improvement or utility work was not installed, or, on the date of the inspection request(s) for inspection or initial reinspection, or both, was not maintained, or was not in conformance with the final approved improvement plans and all applicable requirements thereto; and each such additional reinspection shall be made by the Zoning Administrator or his/her authorized designee within twenty (20) business days after an inspection request for such additional reinspection has been filed with the Zoning Administrator by the developer; provided, however, that no such additional reinspection of such category of improvement or utility work shall be required to be

made until an inspection request for such additional reinspection has been filed with the Zoning Administrator by the developer.

F. *Maintenance Guarantee.*

1. *Scope and duration.* Upon commencement of installation of the required improvements within the subject subdivision, the developer shall be responsible for maintenance of the improvements, including undeveloped lots, streets, sidewalks, common areas and storm and drainage facilities, until the sooner of the (1) expiration of eighteen (18) months after acceptance for public dedication of the specific improvement by the City; or (2) expiration of eighteen (18) months after occupancy permits have been issued on ninety-five percent (95%) of all of the lots in the subdivision plat(s) subject to the deposit agreement. Maintenance shall include repair or replacement of all defects, deficiencies and damage to the improvements that may exist or arise, abatement of nuisances caused by such improvements, removal of mud and debris from construction, erosion control, grass cutting, removal of construction materials (except materials to be used for construction on the lot or as permitted by site plan) and street deicing and snow removal. All repairs and replacement shall comply with City specifications and standards. Any maintenance on improvements accepted by the City for public dedication shall be completed under the supervision of and with the prior written approval of the Zoning Administrator~~City Engineer~~. The maintenance obligation for required improvements to existing public roads or other existing public infrastructure already maintained by a public governmental entity shall terminate on and after the date such improvements have been inspected, deposit released and accepted by the Governing Body of the governmental entity for dedication. Irrespective of other continuing obligations, the developer's street deicing and snow removal obligations shall terminate on the date a street is accepted by the City for public maintenance.

2. *Maintenance deposit — amount — use.*

- a. The maintenance deposit shall be retained by the City to guarantee maintenance of the required improvements and, in addition to being subject to the remedies of Subsection (G) and other remedies of this Code, shall be subject to the immediate order of the Zoning Administrator~~City Engineer~~ to defray or reimburse any cost to the City of maintenance or repair of improvements related to the subdivision which the developer fails or refuses to perform. Such costs shall include off-site damage caused by deficiencies in the

improvements or failure of maintenance. Except in emergency circumstances or where action is otherwise required before written notice can be provided, the Zoning Administrator City Engineer shall provide the developer with a written demand and opportunity to perform the maintenance before having such maintenance performed by the City. The Zoning Administrator City Engineer shall have the authority to require the maintenance deposit to be placed or replenished by the developer in any form permitted for an original deposit where the amount remaining is determined to be insufficient or where the maintenance deposit was drawn upon by the City for maintenance.

- b. In determining the amount of maintenance deposit that shall continue to be held, portions of the deposit amount that were attributable to improvements that have been accepted by any third-party governmental entity or utility legally responsible for the maintenance of the improvement may be released upon such acceptance of the improvement by the entity. The Zoning Administrator City Engineer may approve such further releases if it is determined in his/her discretion, after inspection of the improvements, that the total maintenance amount retained is clearly in excess of the amount necessary for completion of the maintenance obligation, after all reasonable contingencies are considered.
3. *Final maintenance deposit release.* Upon expiration of the maintenance obligations established herein, the Zoning Administrator City Engineer shall cause a final inspection to be made of the required improvements. Funds shall then be released if there are no defects or deficiencies found and all other obligations are shown to be satisfied on inspection thereof or at such time thereafter as any defects or deficiencies are cured with the permission of and within the time allowed by the Zoning Administrator City Engineer. This release shall in no way be construed to indemnify or release any person from any civil liability that may exist for defects or damages caused by any construction, improvement or development for which any deposit has been released.

G. *Failure To Complete Improvements.*

1. The obligation and rights of the developer to construct, complete, install and maintain the improvements indicated on the approved improvement plans and provide for street maintenance shall not

cease until the developer shall be finally released by the Zoning Administrator~~City Engineer~~, nor shall any deposit agreements or obligations hereunder be assignable or transferable by the developer. Furthermore, in the event of default, abandonment, or failure of the developer to complete the improvements, no other person, firm or entity shall acquire (whether by contract, judicial foreclosure or other means) any rights to the remaining escrow funds as a developer without entering into a separate deposit agreement with the City. If, after the initial improvement completion period or after a later period as extended pursuant to this Section, the improvements indicated on the approved improvement plans are not constructed, completed, installed, accepted and maintained as required or if the developer shall violate any provision of the deposit agreement, the Zoning Administrator~~City Engineer~~ may notify the developer to show cause within not less than ten (10) days why the developer should not be declared in default. Unless good cause is shown, no building or other permit shall be issued to the developer in the subdivision during any period in which the developer is in violation of the deposit agreement or this Chapter relating to the subdivision. If the developer fails to cure any default or present compelling reason why no default should be declared, the Zoning Administrator~~City Engineer~~ shall declare the developer in default and may take any one (1) or more of the following acts:

- a. Deem the balance under the deposit agreement not theretofore released as forfeited to the City, to be then placed in an appropriate trust and agency account subject to the order of the Zoning Administrator~~City Engineer~~ for such purposes as letting contracts to bring about the completion or maintenance of the improvements indicated on the approved improvement plans or other appropriate purposes in the interest of the public safety, health and welfare; or
 - b. Require the developer or surety to pay to the City the balance of the surety not theretofore released; or
 - c. Require the developer to submit an additional cash sum sufficient to guarantee the completion or maintenance of the improvements indicated on the approved improvement plans after recalculation in order to allow for any inflated or increased costs of constructing or maintaining the improvements.
2. The failure of a developer to complete the improvement obligations within the time provided by the agreement (or any

extension granted by the City), and including the payment of funds to the City due to such failure or an expiration of a letter of credit, shall be deemed an automatic act of default entitling the City to all remedies provided in this Section without further or prior notice. It shall be the sole responsibility of the developer to timely request an extension of any deposit agreement if the improvements are not completed in the original time period provided by the deposit agreement, and no right to any extension shall exist or be assumed.

H. *Other Remedies For Default.* If the developer or surety fails to comply with the Zoning Administrator City Engineer's requirements for payment as described above or fails to complete the improvements as required or otherwise violates the deposit agreement provisions and there is a risk that development will continue in the subdivision without the timely prior completion of improvements or compliance with deposit agreement provisions, the Zoning Administrator City Engineer may in addition or alternatively to other remedies:

1. Suspend the right of anyone to build or construct on the undeveloped portion of the subdivision. For the purpose of this Subsection, the "undeveloped portion" of the subdivision means all lots other than lots which have been sold for personal use and occupancy or are under bona fide contract for sale to any person for personal use or occupancy. The Zoning Administrator City Engineer shall give the developer ten (10) days' written notice of an order under this Subsection with copies to all sureties, as appropriate, who have outstanding obligations for any undeveloped portion of the subdivision and shall record an affidavit of such notice with the Recorder of Deeds. If, within the ten-day period after notice is given, the Zoning Administrator City Engineer is not convinced by compelling evidence that completion of the improvements is adequately assured and maintenance of streets assured as provided herein, the Zoning Administrator City Engineer shall order construction suspended on the undeveloped portion of the subdivision. The order shall be served upon the developer with a copy to the issuer of the surety, as appropriate, and a copy recorded with the Recorder of Deeds. Public notice of said order shall be conspicuously and prominently posted by the Zoning Administrator City Engineer at the subdivisions or lots subject to said order. The notice shall contain the following minimum language which may be supplemented at the discretion of the Zoning Administrator City Engineer.

a. *Public notice of order.*

- (1) If said notice is for a subdivision:

THIS SUBDIVISION, (name of subdivision), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF DARDENNE PRAIRIE ~~ZONING ADMINISTRATORCITY—ENGINEER~~. NO DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS SUBDIVISION UNTIL SUCH TIME AS THE CITY OF DARDENNE PRAIRIE ~~ZONING ADMINISTRATORCITY—ENGINEER~~ REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO CHAPTER 410 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE.

(2) If said notice is for a lot:

THIS LOT, (lot number), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF DARDENNE PRAIRIE ~~ZONING ADMINISTRATORCITY—ENGINEER~~. NO DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS LOT UNTIL SUCH TIME AS THE CITY OF DARDENNE PRAIRIE ~~ZONING ADMINISTRATORCITY—ENGINEER~~ REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO CHAPTER 410 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI.

- b. The ~~Zoning Administrator City—Engineer~~ shall not thereafter authorize construction to take place contrary to the order. The suspension shall be rescinded in whole or in part only when the ~~Zoning Administrator City—Engineer~~ is convinced that completion of the improvements is adequately assured in all or an appropriate part of the subdivision and a guarantee of public street maintenance has been provided; or

2. Suspend the rights of the developer or any related entity to construct structures in any development platted after the effective date of such suspension throughout the City of Dardenne Prairie and such incorporated areas as are under the City of Dardenne Prairie's jurisdiction. The Zoning Administrator City Engineer shall give the developer ten (10) days' written notice of an order under this clause with a copy to sureties known to the Zoning Administrator City Engineer to have obligations outstanding on behalf of the developer or related entities and shall record an affidavit of such notice with the Recorder of Deeds. If, within the ten-day period after notice is given, the Zoning Administrator City Engineer is not convinced by compelling evidence that completion of the improvements is adequately assured and maintenance of streets assured as provided herein, the Zoning Administrator City Engineer shall order construction suspended. The order shall be served upon the developer with a copy to the surety, as appropriate, and a copy recorded with the Recorder of Deeds. The Zoning Administrator City Engineer shall not thereafter authorize construction to take place contrary to the Zoning Administrator City Engineer's order. The suspension shall be rescinded only when the Zoning Administrator City Engineer is convinced that completion of the improvements is adequately assured and public street maintenance is assured.

I. *Suspension Of Development Rights.* From and after the effective date of this Section, if a developer or any related entity has a subdivision development improvement guarantee that is in default, as determined by the Zoning Administrator City Engineer, including any escrow or bond under any prior version of this Section:

1. The Zoning Administrator City Engineer shall be authorized, but not be limited, to thereafter pursue the remedies of Subsection (H) of this Section; and
2. The rights of the developer or any related entity to receive development approval, which approval shall include, but not be limited to, approval of any plat or deposit agreement for new or further development in the City, shall be suspended. The suspension shall be rescinded only when the Zoning Administrator City Engineer is convinced that completion and maintenance of the improvements is adequately assured.

J. *Additional Remedies.* If any party fails to comply with any obligation of this Section, the Zoning Administrator City Engineer may recommend that the City Attorney take appropriate legal action and may also withhold any building or occupancy permits to this developer or related entities until such compliance is cured. The City shall also have the right to partially or

wholly remedy a developer's deficiencies or breached obligations under this Chapter by set-off of any funds or assets otherwise held by the City of the developer to the maximum extent permitted by law. Such set-off shall occur upon written notice of such event by the Zoning Administrator City Engineer to the developer after the developer has failed to timely cure the deficiencies. It shall be deemed a provision of every deposit agreement authorized under this Section that the developer shall pay the City's costs, including reasonable attorneys' fees, of enforcing such agreement in the event that the developer is judicially determined to have violated any provision herein or in such agreement. The developer may appeal any decision taken pursuant to this Section by filing an appeal to the City Administrator whose decision shall be final.

K. *Related Entities.*

1. For purposes of this Section, "related entity" has the following meaning:
 - a. A developer is a related entity of another person:
 - (1) If either has a principal or controlling interest in the other; or
 - (2) If any person, firm, corporation, association, partnership or other entity with a controlling interest in one has a principal or controlling interest in the other.
2. The identification of related entities shall be supported by documentation from the Secretary of State's office, Jefferson City, Missouri.

SECTION 47. That Section 410.135 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 410.135 in its entirety and enacted, in lieu thereof, is a new Section 410.135, to read as follows:

Section 410.135. Acceptance and Final Approval.

Before the developer's obligation to the City of Dardenne Prairie is terminated, all required improvements shall be constructed under the observation and inspection of the inspecting agency and accepted for maintenance or given final approval by the City of Dardenne Prairie. Approval of any preliminary or final plat or plan shall not create a vested right in all or any portion thereof. Where a change in circumstances or law or discovery of new facts occurs, the Zoning Administrator City Engineer may initiate changes that would not cause an undue hardship in any such plat or plan or portion thereof for which building construction has not substantially commenced.

SECTION 48. That Section 410.140 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 410.140 in its entirety and enacted, in lieu thereof, is a new Section 410.140, to read as follows:

Section 410.140. Recording — Approval of Clerk.

No subdivision plat or replat shall be filed for record or recorded in the office of the Recorder of Deeds for St. Charles County, Missouri, unless and until the approval of the City Clerk is endorsed thereon. No lot shall be sold for such subdivision plat or replat until it has been approved by the above and approved by the Zoning Administrator ~~City Engineer~~ and filed for record in the office of the Recorder of Deeds of St. Charles County, Missouri.

SECTION 49. That Section 410.160 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 410.160 in its entirety and enacted, in lieu thereof, is a new Section 410.160, to read as follows:

Section 410.160. Recording Requirements.

No subdivision plat or replat shall be filed for record or recorded in the office of the Recorder of Deeds for St. Charles County, Missouri, unless and until the approval of the Planning and Zoning Commission, the Zoning Administrator ~~City Engineer~~ and the Chairman of the Board of Aldermen and are endorsed thereon. No lot shall be sold for such subdivision plat or replat until it has been approved by the above and filed for record in the office of the Recorder of Deeds of St. Charles County, Missouri. No building permit will be issued until the final plat is recorded. Further, no dwelling unit may be occupied until the public or private improvements are completed, unless money is in escrow for the completion of said improvements.

SECTION 50. Savings Clause: Nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 51. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 52. Effective Date: This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

Read two (2) times, passed, and approved this _____ day of _____, 2022.

As Presiding Officer and as Mayor

Attest:

City Clerk

Approved this _____ day of _____, 2022.

Mayor

Attest:

City Clerk

DARDENNE



PRAIRIE

**CITY OF DARDENNE PRAIRIE
2032 HANLEY ROAD
DARDENNE PRAIRIE, MO 63368**

**BOARD OF ALDERMEN
MEETING AGENDA
AUGUST 17, 2022
7:00 p.m.**

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

Mayor Gotway
Alderman Costlow
Alderman Johnson
Alderman Reilly
Alderman Sansone
Alderman Ungerboeck
Alderman Wandling

CONSENT AGENDA

1. Board of Alderman Minutes 08-03-22
2. Work Session Summary 08-03-22
3. Expenditures for Approval 08-17-22
4. Reappointment of Craig Stankovich to BaratHaven Community Improvement District
5. Appointment of Andrew Burchett to BaratHaven Community Improvement District

ITEMS REMOVED FROM CONSENT AGENDA

OPEN FORUM

PUBLIC HEARINGS

1. Conditional Use Permit (C.U.P.) Application – Wireless Facilities Structure – For the property known as “Barathaven #2” Lots 2 and 3 and more particularly

described in the Conditional Use Permit Application received by the City on June 7th, 2022, on file with the City Clerk from Applicant STC Towers, LLC

2. Rezoning & P.U.D. Request – Area Plan for the proposed “Condos at Town Center” Mixed-use Development on the approximately 6.66 acres of the land commonly known as 7773 & 7755 Highway N and more particularly described in the P.U.D. Request – Area Plan application received by the City on July 5th, 2022, on file with the City Clerk from Applicant Azack Construction.
3. Proposed amendments to various provisions of Chapter 405 and 410 of the Municipal Code of the City of Dardenne Prairie, Missouri pertaining to the regulation of zoning, land use, signage, parking, architectural standards, procedural requirements, and other related matters.

NEW BUSINESS

1. **Bill #22-48**

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, PROVIDING FOR THE APPROVAL OF A CONDITIONAL USE PERMIT FOR A NEW WIRELESS SUPPORT STRUCTURE FOR PROPERTY ZONED C-2, GENERAL COMMERCIAL DISTRICT, AND GENERALLY AT THE NORTHWEST INTERSECTION OF BARATHAVEN BOULEVARD AND TECHNOLOGY DRIVE

2. **Bill #22-49**

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, PROVIDING FOR REZONING OF APPROXIMATELY 6.66 ACRES OF LAND FROM “N-D” NEW DEVELOPMENT DISTRICT, TO “C-2” GENERAL COMMERCIAL DISTRICT, PLANNED UNIT DEVELOPMENT; AND APPROVING THE AREA PLAN FOR SAME

3. **Bill #22-50**

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE MAYOR, CITY ADMINISTRATOR AND CITY TREASURER TO EXECUTE AND SUBMIT A 2023 TRANSPORTATION ALTERNATIVES PROGRAM APPLICATION TO EAST-WEST GATEWAY COUNCIL OF GOVERNMENTS FOR FEDERAL FUNDING TO CONSTRUCT THE HENNING ROAD MULTI-USE TRAIL RECONSTRUCTION PROJECT AND AUTHORIZING THE EXPENDITURE OF THE APPLICATION FEE FOR THE SAME

4. **Bill #22-51**

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT AGREEMENT WITH SPORTSCON, LLC FOR CONSTRUCTION SERVICES RELATED TO THE INSTALLATION OF BATTING CAGES AT DARDENNE PRAIRIE ATHLETIC COMPLEX

OLD BUSINESS

1. **Bill #22-47 (Read one time only on 7-20-22)**

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT AGREEMENT WITH KARRENBROCK CONSTRUCTION, INC FOR CONSTRUCTION SERVICES RELATED TO THE INSTALLATION OF BATTING CAGES AT DARDENNE PRAIRIE ATHLETIC COMPLEX

STAFF COMMUNICATIONS

1. City Attorney
2. City Engineer
3. City Administrator
4. Aldermen
5. Mayor

CLOSED SESSION

Roll call vote to hold closed session pursuant to RSMo 610.021 section _____

Litigation and Privileged Communications (1)

Real Estate (2)

Personnel (3)

Labor (9)

Bid Specs (11)

Audit (17)

RETURN TO REGULAR MEETING AGENDA

ADJOURNMENT

The City of Dardenne Prairie Board of Aldermen meeting was called to order at 7:25 p.m. The meeting was held at Dardenne Prairie City Hall located at 2032 Hanley Road.

The meeting was opened with the Pledge of Allegiance followed by an invocation by resident Karen Schneider.

Present at roll call were Mayor Gotway, Aldermen Sansone, Wandling, Costlow, Reilly (via video conferencing) and Johnson. Alderman Ungerboeck was absent. Also present were City Clerk Kim Clark, City Administrator James Knowles, City Engineer Tom Weis and City Attorney John Young.

A motion was made by Alderman Sansone, seconded by Alderman Wandling to accept the consent agenda. Motion passed unanimously.

CONSENT AGENDA

1. Board of Alderman Minutes 07-20-22
2. Work Session Summary 07-20-22
3. Expenditures for Approval 08-03-22
4. Treasurer's Report – As of 06-30-22

OPEN FORUM – The following individuals were in attendance to speak:

Laura Gittemeier – 6 Jura Court
Karen Schneider – 2 Jura Court
Trevor Swaine – 19 Needle Court
Jol King – 2 Toussaint Drive
Sue Roethler – 15 Pine Cone Court
Cheri Hawes – 12 Pine Cone Court
Lance Carlough – 5 Alsace Court
Dale Grove – 69 Burgundy Place Drive
Arnie Dienoff – PO Box 1535, 63366
Kevin Klingerman – 1102 Whispering Pines

OLD BUSINESS

A motion was made by Alderman Wandling, seconded by Alderman Sansone to read Bill #22-46 for the second time by title only. Motion passed unanimously.

Bill #22-46

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH O.R. COLAN ASSOCIATES, LLC FOR LAND ACQUISITION SERVICES IN CONNECTION WITH THE STUMP ROAD RECONSTRUCTION AND IMPROVEMENTS PROJECT STP-7302(682)

A motion was made by Alderman Wandling, seconded by Alderman Costlow to put Bill #22-46 to final vote. Roll call was as follows:

Alderman Sansone – Aye	Alderman Reilly – Aye
Alderman Johnson – Aye	Alderman Costlow – Aye
Alderman Ungerboeck – Absent	Alderman Wandling – Aye

Mayor Gotway declared Bill #22-46 passed and designated it to be Ordinance #2198.

A motion was made by Alderman Costlow, seconded by Alderman Wandling to postpone Bill #22-47. Motion passed unanimously.

Bill #22-47 (Read one time only on 7-20-22)

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT AGREEMENT WITH KARRENBROCK CONSTRUCTION, INC FOR CONSTRUCTION SERVICES RELATED TO THE INSTALLATION OF BATTING CAGES AT DARDENNE PRAIRIE ATHLETIC COMPLEX

STAFF COMMUNICATIONS

City Administrator Knowles mentioned batting cages will be installed along with shade and additional seating in the pickleball area. The FY2023 Road Maintenance and Repair Agreement will be forwarded on to St. Charles County. He also mentioned there will be additional slab replacements in the 2023 budget. The street maintenance plan which will provide an assessment of every street in the city will be completed by the end of September.

ADJOURNMENT

A motion was made by Alderman Johnson, seconded by Alderman Sansone to adjourn the meeting at 8:46 p.m. Motion passed unanimously.

Respectfully submitted,

Kim Clark, City Clerk

The City of Dardenne Prairie Work Session was called to order at 6:05 p.m.

The meeting was held at Dardenne Prairie City Hall located at 2032 Hanley Road.

The following were in attendance Mayor Gotway, Aldermen Costlow, Sansone, Johnson, Wandling and Reilly (via video conferencing). Alderman Ungerboeck was absent. Also present were City Clerk Kim Clark, City Administrator James Knowles, City Engineer Tom Weis and City Attorney John Young.

The meeting was opened with the Pledge of Allegiance.

ITEMS FOR DISCUSSION AND CONSIDERATION

1. Deana Dothage – MU Extension
2. Draft Zoning Ordinance Changes
3. BaratHaven Tree Request
4. Discussion of City-County Road Maintenance and Repair Agreement for FY 2023

A motion was made by Alderman Sansone, Seconded by Alderman Wandling to hold a closed session pursuant to RSMo 610.021 section (1) Litigation and Privileged Communications. Motion passed unanimously. Roll call was as follows:

Alderman Johnson – Aye	Alderman Reilly – Aye
Alderman Wandling – Aye	Alderman Costlow – Aye
Alderman Sansone – Aye	Alderman Ungerboeck - Absent

RETURN TO REGULAR MEETING AGENDA

5. Presentation of Stump Road Project

STAFF COMMUNICATIONS

City Engineer Weis provided an update on various projects.

Alderman Wandling mentioned potholes have been filled in Ward 1 subdivisions.

ADJOURNMENT

A motion was made by Alderman Johnson, seconded by Alderman Costlow to adjourn the meeting at 7:25 p.m.

Respectfully submitted,

Kim Clark, City Clerk

EXPENDITURES FOR APPROVAL
8/17/2022

1 AFLAC	August, 2022	255.48
2 Ameren	City Hall	2,283.49
3 Ameren	Concession Stand	428.3
4 Ameren	City Park	336.53
5 Ameren	Traffic Light 2	59.23
6 Ameren	Traffic Light	11.63
7 Ameren	Athletic Complex	479.49
8 Ameren	Street Lights	36.51
9 Ameren	Street Lights	175.92
10 Brandy's Auto Body	Bldg Dept Truck Body Work	4,460.61
11 CDS Office Technologies	Copies	162.19
12 First Bank	Credit Card Charges	2,179.04
13 General Code	Annual Code Maintenance	1,195.00
14 Grainger	Maintenance Supplies	106.41
15 Insurance: KC Life	Vision & Dental: August, 2022	841.45
16 Insurance: The Hartford	August, 2022	429.28
17 Jeffrey J. Sandcork	Prosecuting Attorney: August, 2022	1,100.00
18 Knapheide Truck Center	Truck Parts	57.43
19 M & H Concrete Contractors, Inc.	Pay Application #5 - Ord #2122	31,538.32
20 Martin Trophy	Name Plates & Badges	64.00
21 MO Lawyers Media	Public Notices	158.10
22 Office Essentials	Office & Coffee Supplies	75.06
23 Parks: Martin Trophy	Baseball Trophies	1,204.00
24 Payroll	8/5/22 Payroll	27,271.17
25 PWSD No. 2	City Hall Fountain	752.49
26 PWSD No. 2	City Hall	56.61
27 Spire	Maintenance Building to 07-31-22	42.65
28 St. Charles County Health	Mosquito Spraying	31.50
29 The Law Office of Dennis Chassaniol	Municipal Judge: August, 2022	500.00
30 Thoele	Gas to 6/29/22	1,314.53
31 Wheelhouse Solutions	IT Services - August, 2022	1,287.13
		78,893.55

Approved by Board of Aldermen 8-17-22

Mayor John Gotway

DEVELOPMENT DYNAMICS

August 12, 2022

City of Dardenne Prairie
Mayor's Office
Attn: John Gotway
2032 Hanley Road
Dardenne Prairie, MO 63368

RE: Appointment of Directors to BaratHaven Community Improvement District

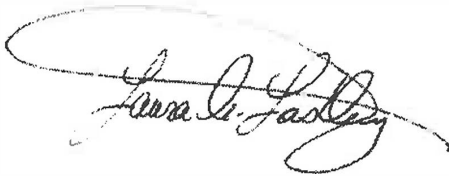
Dear Mayor John Gotway,

On behalf of the BaratHaven Community Improvement District ("BaratHaven CID"), I respectfully request the following appointment be made by you in your capacity as Mayor to be approved by the Board of Alderman for the City of Dardenne Prairie, Missouri:

- (1) The reappointment of Craig Stankovich to the BaratHaven CID Board of Directors with a term expiring on February 15, 2026.

If you have any questions regarding the proposed appointments, please contact us.

Regards,



Laura A. Lashley
District Administrator

cc: File
Kim Clark

1701 BOARDWALK SPRING PLACE
SUITE 200
O'FALLON, MO 63300

636.561.8602
636.561.8605
WWW.D2TEAM.ORG

DEVELOPMENT DYNAMICS

August 12, 2022

City of Dardenne Prairie
Mayor's Office
Attn: John Gotway
2032 Hanley Road
Dardenne Prairie, MO 63368

RE: Appointment of Directors to BaratHaven Community Improvement District

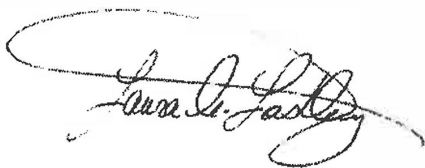
Dear Mayor John Gotway,

On behalf of the BaratHaven Community Improvement District ("BaratHaven CID"), I respectfully request the following appointments be made by you in your capacity as Mayor to be approved by the Board of Alderman for the City of Dardenne Prairie, Missouri:

- (1) The appointment of Andrew Burchett to replace the position formerly held by Michael Luna to the BaratHaven CID Board of Directors with a term expiring on February 15, 2026.

If you have any questions regarding the proposed appointments, please contact us.

Regards,



Laura A. Lashley
District Administrator

cc: File
Kim Clark

1001 BOARDWALK SPRINGS PLACE
SUITE 30
O'FALLON, MO 63368

636.561.8602

636.561.8605

WWW.D2TEAM.ORG

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI,
PROVIDING FOR THE APPROVAL OF A CONDITIONAL USE PERMIT
FOR A NEW WIRELESS SUPPORT STRUCTURE FOR PROPERTY
ZONED C-2, GENERAL COMMERCIAL DISTRICT, AND GENERALLY
AT THE NORTHWEST INTERSECTION OF BARATHAVEN
BOULEVARD AND TECHNOLOGY DRIVE**

WHEREAS, a New Installation or Substantial Modification of a Wireless Support Structure Conditional Use Permit Application was submitted to the Board of Aldermen, a copy of which is on file in the office of the City Clerk and incorporated by reference herein (the "Application"), by STC Towers, LLC (the "Applicant"), to allow the use of certain real property within the City of Dardenne Prairie more particularly described on the Site Plan (hereinafter defined) (the "Property"), and owned by Simmons First National Bank (the "Owner"), as a "wireless support structure and wireless facilities"; and

WHEREAS, the property is zoned C-2, General Commercial District; and

WHEREAS, Section 405.195(C)(25) of the Municipal Code of the City of Dardenne Prairie, Missouri, provides that "Wireless support structures and wireless facilities" are conditional uses in the C-2, General Commercial District; and

WHEREAS, the Board of Aldermen of the City of Dardenne Prairie, Missouri, referred the Application to the City's Planning and Zoning Commission; and

WHEREAS, said Planning and Zoning Commission of the City considered the Application and recommended that the Board of Aldermen approve the Conditional Use Permit; and

WHEREAS, the Board of Aldermen and the Planning and Zoning Commission held hearings on the proposed conditional use at which interested persons and residents of the City were given an opportunity to be heard on the proposed conditional use; and

WHEREAS, the Planning and Zoning Commission and the Board of Aldermen considered the following:

1. The Application;
2. The Municipal Code of the City of Dardenne Prairie, Missouri, a copy of which is available in the office of the City Clerk and incorporated by reference herein (the "City Code");
3. The Site Plan submitted by the Applicant, prepared by Power of Design Group, LLC, dated April 4, 2022, and referencing PUD Number 22-129237, revised as of June 6, 2022, a copy of which is on file in the office of the City Clerk and incorporated by

- reference herein (the "Site Plan");
4. The transcript of proceedings before the Board of Adjustment on July 25, 2022 (the "Variance Transcript");
 5. The written decision of the Board of Adjustment granting a variance the Applicant pertaining to the use of the Property subject to this Conditional Use Permit, and dated August 16, 2022, a copy of which is on file in the office of the City Clerk and incorporated by reference herein (the "Variance");
 6. The Memo from the City Administrator to the Planning and Zoning Commission dated August 3, 2022, a copy of which is on file in the office of the City Clerk and incorporated by reference herein;
 7. The recommendation of the Planning and Zoning Commission;
 8. Testimony presented at the hearing before the Planning and Zoning Commission on August 10, 2022, recorded audio of which is on file in the office of the City Clerk and incorporated by reference herein; and
 9. Testimony presented at the hearing before the Board of Aldermen on August 17, 2022, recorded audio of which is on file in the office of the City Clerk and incorporated by reference herein;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:

SECTION 1. Based upon the evidence presented to it, and subject to the conditions stated herein, the Board of Aldermen of the City of Dardenne Prairie, Missouri, does hereby find and determine that the use of the Property for a wireless support structure and wireless facilities:

1. The proposed conditional use complies with all applicable provisions of the Municipal Code of the City of Dardenne Prairie, including intensity of use regulations and use limitations;
2. The proposed conditional use will contribute to and promote the general welfare, health, safety and convenience of the public;
3. The application meets the following requirements:
 - a. The wireless support structure shall not exceed two hundred (200) feet in height.
 - b. The wireless support structure is not located within one thousand five hundred (1,500) feet of another wireless support structure.
 - c. The wireless support structure shall is not located within two hundred (200) feet from any residential structure.
 - i. The distance between the wireless support structure and the boundaries of the property on which the wireless support structure lies is less than one hundred ten percent (110%) of the wireless support structure's height, but the Variance was granted by the Board of Adjustment to allow the wireless support structure to be within the setback to the extent depicted on the Site Plan;
 - d. No more than three (3) wireless support structures are constructed on the Property;
 - e. The wireless support structure will be constructed to allow for collocation

- by at least three (3) additional providers of wireless communication services;
- f. The design of the wireless support structure, wireless facilities, base station, and equipment compound shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the wireless support structure, wireless facilities, base station, and equipment compound within the surrounding natural setting and buildings.
- g. The landscaping, as shown on the landscape plan included as part of the Site Plan (the "Landscape Plan"), meets the requirements of Chapter 405, Article IX; and
- h. Antennas shall be painted or treated to match the wireless support structure to which they are attached. Antennas shall not extend higher than five (5) feet above the wireless support structure.

SECTION 2. The Board of Aldermen of the City of Dardenne Prairie, Missouri, does hereby authorize the use of the Property as a Wireless support structures and wireless facilities, subject to the Applicant and Owner's compliance with all conditions set forth in Section 4 of this Ordinance.

SECTION 3. That in accordance with the ordinances of this City and applicable laws of the State of Missouri, an application was made for a Site Plan approval for the Property, first before the Planning and Zoning Commission and then the Board of Aldermen of the City of Dardenne Prairie, and approval is hereby granted for the Site Plan subject to the developer's compliance with all conditions herein as well as those reflected on the approved Site Plan.

SECTION 4. Conditions of Issuance:

1. Applicant and Owner, having to the best of their knowledge provided the City with all information required by the appropriate sections of the Zoning Ordinance pertaining to C-2, General Commercial District, agree that any information inadvertently omitted will be provided upon request, as soon as it may reasonably be obtained;
2. Applicant and Owner (or their respective successors in interest) agree the construction, maintenance and operation of the wireless support structures and equipment compound shall comply with all Federal, State and City regulations;
3. Applicant and Owner (or their respective successors in interest) agree that the Property shall be used in compliance with all requirements of the City Code;
4. The Conditional Use Permit granted by this Ordinance is subject to the Applicant and Owner's (or their respective successors in interest) compliance with Site Plan;
5. The Conditional Use Permit granted by this Ordinance is subject to the Applicant and Owner's (or their respective successors in interest) compliance with the terms of the Variance;

6. Any wireless support structure, wireless facility, base station or equipment compound that is no longer in use for any wireless communications service shall be removed at the expense of the Applicant and Owner (or their respective successors in interest). The Applicant and Owner's (or their respective successors in interest) shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete wireless support structure, wireless facilities or equipment compound;
7. Landscaping of the Property shall be done in accordance with the Landscape Plan;
8. No fencing installed on the Property shall include any strands of barbed wire; and
9. Any violation of a requirement, term, condition or safeguard contained herein shall be considered a violation of Chapter 405 of the Municipal Code, subject to the applicable penalties contained therein and grounds for the Board of Aldermen to take all such actions as may be necessary to terminate and cancel the conditional use permit approved pursuant to this Ordinance.

SECTION 5. Effective Date: This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

SECTION 6. Savings Clause: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 7. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Read two (2) times, passed, and approved this _____ day of _____, 2022.

As Presiding Officer and as Mayor

Attest:

City Clerk

Approved this _____ day of _____, 2020.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, PROVIDING FOR REZONING OF APPROXIMATELY 6.66 ACRES OF LAND FROM “N-D” NEW DEVELOPMENT DISTRICT, TO “C-2” GENERAL COMMERCIAL DISTRICT, PLANNED UNIT DEVELOPMENT; AND APPROVING THE AREA PLAN FOR SAME

WHEREAS, an application was submitted by AZACK Construction Company LLC (“Applicant”), on behalf of 24 Condostl LLC (the “Owner Under Contract”) for the rezoning of approximately 6.66 acres of real property more particularly described on the Area Plan (herein defined) (the “Property”), owned by William H. Erker, Sr. Revocable Trust and the Ohrman Family Joint Revocable Trust (collectively, the “Owner”) from “ND” New Development District to “C-2” General Commercial District, Planned Unit Development (P.U.D.), pursuant to the Municipal Code of the City of Dardenne Prairie, Missouri; and

WHEREAS, the Applicant submitted a P.U.D. Request – Area Plan for the approval of an Area Plan for the Property; and

WHEREAS, the Planning and Zoning Commission of the City considered the proposed rezoning and Area Plan and recommended approval of said rezoning and Area Plan; and

WHEREAS, the Board of Aldermen and the Planning and Zoning Commission held Public Hearings on the proposed rezoning request and Area Plan; and

WHEREAS, at such Public Hearings all persons-in-interest and other citizens were given an opportunity to be heard on the proposed rezoning request and Area Plan; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:

SECTION 1. Zoning Amendment. That after proper notice in accordance with the ordinances of this City and applicable laws of the State of Missouri, a public hearing was held with regard to the rezoning of a certain 6.66 acre area of real property described more particularly on the Area Plan (defined in Section 2 of this Ordinance) first before the Planning and Zoning Commission and then the Board of Aldermen of the City of Dardenne Prairie, Missouri, and approval is hereby granted to rezone such Property from ND” New Development District to “C-2” General Commercial District, Planned Unit Development (P.U.D.), pursuant to the Municipal Code of the City of Dardenne Prairie,

Missouri, subject to the Applicant, Owner and Owner Under Contract's compliance with all conditions herein as well as those reflected on the Area Plan approved in Section 2 of this Ordinance.

SECTION 2. Area Plan. That upon review, first before the Planning and Zoning Commission and then the Board of Aldermen of the City of Dardenne Prairie, Missouri, the Board of Aldermen does hereby approve the P.U.D. Area Plan for the Property submitted and prepared by St. Charles Engineering and Surveying, Inc., dated August 3, 2022, referencing Order No. 2022067, and revised as of August 3, 2022 which plan is on file in the Office of the City Clerk, and incorporated by reference herein (the "Area Plan"), subject to the Applicant, Owner Under Contract and Owner's compliance with all of the conditions herein as well as those reflected on the approved Area Plan.

SECTION 3. Area Plan Conditions of Issuance. The approval of the Area Plan pursuant to Section 2 of this Ordinance is expressly conditioned upon the following:

1. Applicant, Owner and Owner Under Contract have, to the best of their knowledge, provided City with all information required by the appropriate sections of the Zoning Ordinance pertaining to a "C-2" General Commercial District, Planned Unit Development, and agree that any information inadvertently omitted will be provided upon request, as soon as it may reasonably be obtained; and
2. Applicant, Owner and Owner Under Contract (or their respective successors in interest) agree that all improvements shall be constructed to meet all applicable state and local codes and shall comply with all of the City's applicable Ordinances and street construction standards; and

SECTION 4. Amend Zoning Map. That, pursuant to the Municipal Code of the City of Dardenne Prairie, Missouri, the City Engineer is hereby directed to amend the Official Zoning Map of the City consistent with this Ordinance.

SECTION 5. Effective Date: This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

SECTION 6. Savings: Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

SECTION 7. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a

subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Read two times and passed this _____ day of _____, 2022.

As Presiding Officer and as Mayor

Attest: _____
City Clerk

Approved this _____ day of _____, 2022.

Mayor

Attest: _____
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE MAYOR, CITY ADMINISTRATOR AND CITY TREASURER TO EXECUTE AND SUBMIT A 2023 TRANSPORTATION ALTERNATIVES PROGRAM APPLICATION TO EAST-WEST GATEWAY COUNCIL OF GOVERNMENTS FOR FEDERAL FUNDING TO CONSTRUCT THE HENNING ROAD MULTI-USE TRAIL RECONSTRUCTION PROJECT AND AUTHORIZING THE EXPENDITURE OF THE APPLICATION FEE FOR THE SAME

WHEREAS, the City of Dardenne Prairie, Missouri (the “City”), is proposing a project to provide for the reconstruction of the existing sidewalk along Henning Road, including the replacement of existing settled and heaved pavement and the installation of new curb ramps (the “Henning Road Multi-Use Trail Reconstruction Project”); and

WHEREAS, the Board of Aldermen of the City desires to submit a 2023 Transportation Alternatives Program Application (the “Application”) to the East-West Gateway Council of Governments for receipt of federal funding, in the an amount of \$_____ or eighty percent (80%) of the total estimated project cost of \$_____, to offset the cost of the Henning Road Multi-Use Trail Reconstruction Project;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:

SECTION 1. That the form, terms, and provisions of the 2020 Transportation Alternatives Program Application submitted by the City of Dardenne Prairie, Missouri, to the East-West Gateway Council of Governments for federal funding to construct the Henning Road Multi-Use Trail Reconstruction Project, attached hereto, marked as Exhibit A, and incorporated by reference herein (the “Application”), be and they hereby are approved and the Mayor, City Administrator and City Treasurer are hereby authorized, empowered and directed to further negotiate, execute, acknowledge, deliver, and administer on behalf of the City such Application in substantially the form attached hereto. The City Treasurer is hereby further authorized and directed to pay the application fee for the Application and to amend the budget accordingly to reflect said expenditure. The City Clerk is hereby authorized and directed to attest to the Application and other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of the Application and this Ordinance.

SECTION 2. Savings Clause: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 3. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in

all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 4. Effective Date: This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

Read two times, passed, and approved this _____ day of _____, 2022.

As Presiding Officer and as Mayor

Attest:

City Clerk

Approved this _____ day of _____, 2022.

Mayor

Attest:

City Clerk

Exhibit A
[attach Application]

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT AGREEMENT WITH SPORTSCON, LLC FOR CONSTRUCTION SERVICES RELATED TO THE INSTALLATION OF BATTING CAGES AT DARDENNE PRAIRIE ATHLETIC COMPLEX

WHEREAS, the Board of Aldermen of the City of Dardenne Prairie, Missouri, finds and determines that it is to the benefit of the residents of the City to contract for the construction of new batting cages at the Dardenne Prairie Athletic Complex (the "Project"); and

WHEREAS, the City has been generously donated funds to cover the purchase and installation of batting cages at the Dardenne Athletic Complex; and

WHEREAS, because of the limited number of vendors, discrepancy in included product options from different vendors, and the general difficulty in making a "like for like" comparison, the City Administrator determined that the City would receive the best value on a purchase through informal discussion and bargaining rather than through the conventional bidding process; and

WHEREAS, after negotiating with several prospective vendors, the City Administrator determined that there was an obvious inherent economy in contracting with SportsCon, LLC for the purchase and installation of a commercial grade batting cages at the Dardenne Athletic Complex.

WHEREAS, the Board of Aldermen of the City (the "Board of Aldermen") hereby finds and determines that the price of \$22,740 for the purchase and installation of the Batting Cages set forth in the proposal from SportsCon, LLC, is reasonable; and

WHEREAS, the Board of Aldermen hereby further finds and determines that it is to the benefit of the residents of the City to enter into an agreement with SportsCon, LLC, for the Project;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:

SECTION 1. That the Sales Agreement for the items and scope of work submitted by SportsCon, LLC for the Project, a copy of which is on file in the office of the City Clerk and incorporated by reference herein, be and is hereby accepted by the Board of Aldermen of the City of Dardenne Prairie, Missouri for the Project.

SECTION 2. That the form, terms, and provisions of the Sales Agreement by and between the City of Dardenne Prairie, Missouri, and SportsCon, LLC, attached hereto marked as **Exhibit A**, and incorporated by reference herein (the "Contract"), be and they hereby are approved and the City Administrator is hereby authorized, empowered and directed to further negotiate, execute,

acknowledge, deliver and administer on behalf of the City such Contract in substantially the form attached hereto.

SECTION 3. Savings Clause: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 4. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 5. Effective Date: This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

Read two times, passed, and approved this _____ day of _____, 2022.

As Presiding Officer and as Mayor

Attest:

City Clerk

Approved this _____ day of _____, 2022.

Mayor

Attest:

City Clerk

Exhibit A



SportsCon, LLC
 1650 Avenue "H"
 St. Louis, Missouri 63125

**Sales Agreement/
 Order Acknowledgment**

If a P.O Number is required by your organization before purchasing, please specify the number prior to acceptance of this agreement, or a P.O will not be deemed necessary:

CONTACT:

James Knowles
 (636) 755-5303
jknowles@dardenneprairie.org

LOCATION OF FACILITY OR JOBSITE:

Dardenne Park
 2090 Hanley Road
 Dardenne Prairie, MO 63368

To:

City of Dardenne Prairie
 2032 Hanley Road
 Dardenne Prairie, MO 63368

Ship To:

Dardenne Park
 2090 Hanley Road
 Dardenne Prairie, MO 63368

Order Date: 6/7/2022	Ordered By: James Knowles	Sales Rep: Chris/Natalie	F.O.B. Point:	Terms: *See Below
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Requested Ship Date: Product ship dates may occasionally vary, due to production schedules and materials suppliers

QTY	MODEL OR DESCRIPTION	UNIT PRICE	TOTAL
1	Complete King Kong Magnum double batting cage with (2) 14' x 14' x 70' #42 cages complete with custom doors.	Delivered/Installed:	\$20,940.00
1	Installation of owner supplied turf.	Installed:	\$1,800.00
		Total:	\$22,740.00
		Tax:	\$0.00
		Total with Tax:	\$22,740.00

Payment Terms

*50% down

*50% progress billed

This agreement consists of this page, the terms and conditions on page 2 and any corresponding quote, which together constitute the entire agreement of the parties related to the sale and/or installation of athletic equipment referenced above and further described on the attached quote. Please read the terms on the front and back of this agreement, as well as special terms noted on our quote. Additional copies of your original quote can be obtained by calling 314-544-4300. The agreement is effective upon customer's signature below or acceptance of delivery of the equipment, either of which constitutes customer's acknowledgement that all the terms and conditions of this agreement have been read and accepted, and that the person accepting delivery has full authority to do so.

SportsCon Sales Representative: _____ Date: _____

Page 1 of 2

Authorized By: James Knowles Date: 7/18/22



1650 Avenue H • St. Louis, MO 63125 • www.aalcomfg.com
P: 800.537.1259 • F: 314.544.2386 • Chris@aalcomfg.com

To: City of Dardenne Prairie
Attn: James Knowles, jknowles@dardenneprairie.org
Re: Dardenne Park Batting Cage

Date: 06.07.2022

We are pleased to quote the following per your request:

Batting Cage

- ▼ 1 ea.-Complete King Kong Magnum double batting cage with (2) 14' x 14' x 70' #42 cages complete with custom doors.
Delivered & Installed: \$20,940.00
- ▼ Installation of owner supplied turf.
Add: \$1,800.00

If you have any questions, please feel free to call.

Sincerely,
Chris Pohrer, 314.544.4300

****All items in this proposal are proudly manufactured in the U.S.A and finished and installed by factory certified Union Carpenters Signatory.****

****All locations for private utilities, etc, by others. All pier excavation calculated on clean dig excavation. Any rock, debris or undesirable fill that is encountered during drilling, that impacts drilling time will be billed on a time and material basis.****

**** Drilling and setting the support structure may require access of heavy equipment to the site. Heavy equipment includes a concrete truck, drill truck and/or skid loader.**

**** Customer agrees to provide and allow clear, unobstructed access of this equipment to the site. This access permission may include crossing of soil, concrete sidewalks, irrigation systems and synthetic/artificial surfaces.**

**** Sportscon is not responsible for any ruts or damage to soil, grass, turf, or track surfaces as required to gain access to the drill site. IF we are required to set this structure in wet conditions, or required to cross artificial or synthetic surfaces. Wooden "mats" or drive may be required, at the customer's discretion, to avoid damage to these surfaces. Cost of these mats are not included in the quotation. Protective "work pad" or "access drive" must be laid out prior to arrival of the drill truck and concrete truck.**

**** Sportscon will take reasonable precautions, work with, and coordinate with Customer or Contractor to gain efficient access to the drill site. However, Sportscon is not liable or responsible for any damage done to the soil, grass, irrigation systems, turf, or synthetic surfaces as required to gain access to the site.**

**** Installation of Support Beams is for normal soil only. If we encounter conditions such as concrete, rock, stone, etc., and cannot drill through it with our equipment, or move the installation to another suitable area, additional charges will occur.**

***Price is based on:**

Sales Tax Not Included* Material being installed at the same time * Price valid for 30 days * This bid is conditioned upon the use of the AIA A401 Subcontract or terms consistent with the ASA Addendum to Subcontractor * All wiring, conduit, running of & connections for all motors, control panels etc. to be done by others * This bid is conditioned upon the customer's acceptance of SportsCon G.L. insurance limit of \$1 million occurrence with a \$2 million aggregate and umbrella limit of \$5 million. *Any removal of any existing equipment by others

****ALL SUBCONTRACTS TO BE MADE OUT TO SPORTSCON LLC****

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT AGREEMENT WITH KARRENBROCK CONSTRUCTION, INC FOR CONSTRUCTION SERVICES RELATED TO THE INSTALLATION OF BATTING CAGES AT DARDENNE PRAIRIE ATHLETIC COMPLEX

WHEREAS, the Board of Aldermen of the City of Dardenne Prairie, Missouri, finds and determines that it is to the benefit of the residents of the City to contract for the construction of new batting cages at the Dardenne Prairie Athletic Complex (the "Project"); and

WHEREAS, the City has been generously donated funds to cover the purchase and installation of batting cages at the Dardenne Athletic Complex; and

WHEREAS, Karrenbrock Construction, Inc has generously offered to donate the grading work, concrete, and concrete finish work necessary to support the new batting cages at no cost to the city; and

WHEREAS, the Board of Aldermen of the City (the "Board of Aldermen") hereby extends its heartfelt thanks to Karrenbrock Construction, Inc for its support of our city and specifically youth athletics; and

WHEREAS, the Board of Aldermen hereby further finds and determines that it is to the benefit of the residents of the City to enter into a Contract with Karrenbrock Construction, for the Project;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:

SECTION 1. That the contract and scope of work submitted by Karrenbrock Contracting, Inc., for the Project, a copy of which is on file in the office of the City Clerk and incorporated by reference herein, be and is hereby accepted by the Board of Aldermen of the City of Dardenne Prairie, Missouri for the Project.

SECTION 2. That the form, terms, and provisions of the Contract Agreement by and between the City of Dardenne Prairie, Missouri, and Karrenbrock Construction, Inc., attached hereto marked as Exhibit A, and incorporated by reference herein (the "Contract"), be and they hereby are approved and the City Administrator is hereby authorized, empowered and directed to further negotiate, execute, acknowledge, deliver and administer on behalf of the City such Contract in substantially the form attached hereto.

SECTION 3. Savings Clause: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the

City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 4. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 5. Effective Date: This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

Read two times, passed, and approved this _____ day of _____, 2022.

As Presiding Officer and as Mayor

Attest:

City Clerk

Approved this _____ day of _____, 2022.

Mayor

Attest:

City Clerk

EXHIBIT A

[ATTACH CONTRACT]